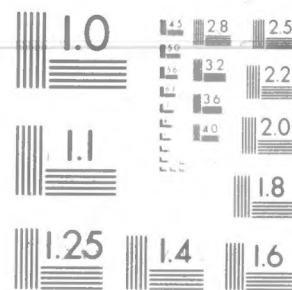
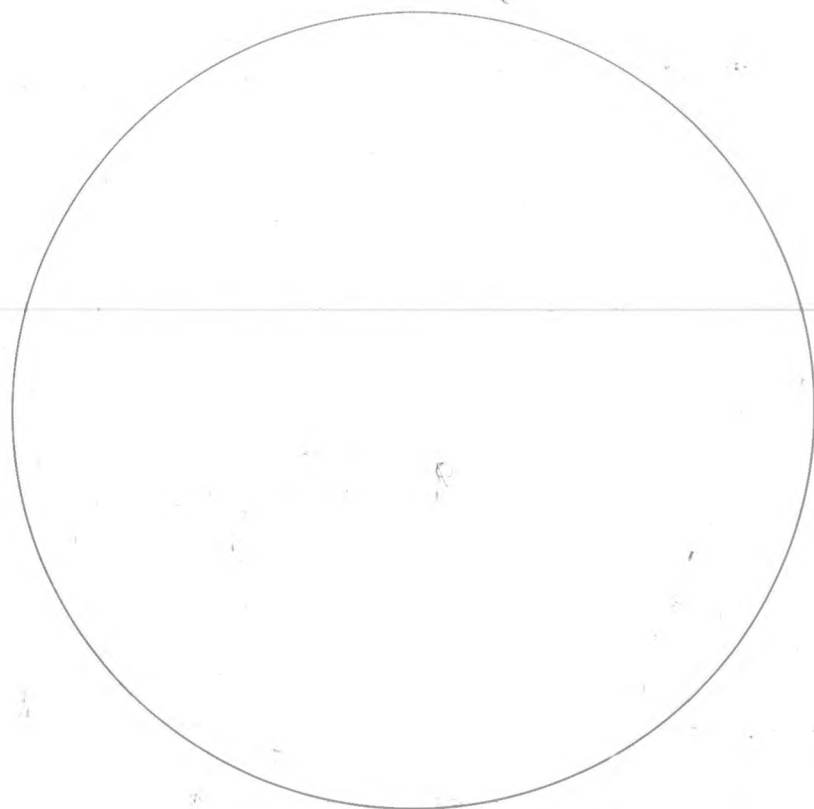
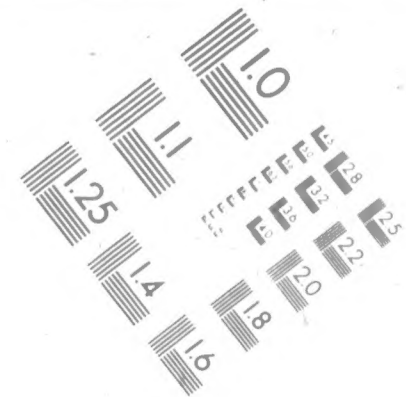
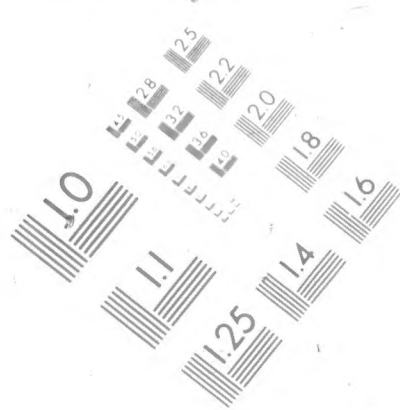
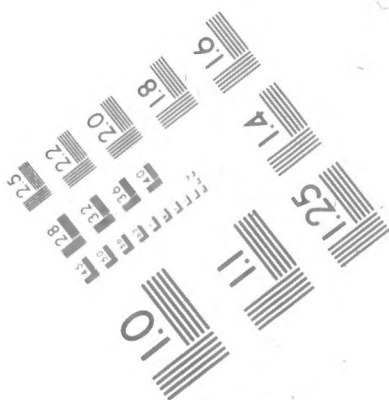




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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 380

CHEROKEE FREEDMEN R683 - R711

**THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION**

WASHINGTON: 1983

Cher. Fr. R. 683

Trans. from Cher. F.D. 667

Cher. Fr. R. 683

Cooweescoowee Dist.

Cherokee Nation, I. T.,

To all to whom it may concern, Be it known:

That I, Wm. V. Carey, Clk. of the Dist. aforesaid, by virtue of the authority in me vested by law have this day issued a License of Marriage to one Ellis Warren, a citizen of the U. States to marry Matilda Johnson, a citizen of the Cherokee Nation. He the said Ellis Warren having complied with the law regulating intermarriage between white men and foreigners with citizens of the Cherokee Nation: Therefore,

To any of the Judges and Clerks of the Cherokee Nation or to any Regularly ordained Minister of the Gospel of any Evangelical Denomination: Greeting:

You and each of you are hereby authorized to solemnize the rites of matrimony between the said parties, and you are requested to return this License to this office for record within thirty days from the solemnization of such ceremony, with a certificate of the same as provided by law.

Given from under my hand and seal of office on this the 30th day of June, A.D. 1888.

Wm. V. Carey, Clk.
Cooweescoowee Dist., C. N.

(SEAL)

This is to certify that the ceremony of marriage between the within named parties was duly performed by me on the third day of July, A.D. 1888 one thousand and eight hundred and eighty eight. Attest..... William Adams,

Minister of the Gospel.

Recorded as provided by law this the 9th day of July, 1888.

Wm. V. Carey,
Clk. Cooweescoowee Dist.
C. N.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., July 22, 1902.

I, C. L. Mielenz, a stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of Ellis Warren as a Cherokee Freedman by intermarriage.

C. L. Mielenz

Coo-wee-scoo-wee Dist.

Cherokee Nation, I. T.

To all to whom it may concern. Be it Known

That I, Wm. O.

Carey, Clk. of the Dist. aforesaid, by virtue of the authority in me vested by law have this day issued a license of Marriage to one Ellis Warren a citizen of the U. States to marry Matilda Johnson a citizen of the Cherokee Nation. He the said Ellis Warren having complied with the law regulating intermarriage between white men or foreigners with citizens of the Cherokee Nation; Therefore:

To any of the Judges and Clerks of the Cherokee Nation or to any regularly ordained minister of the Gospel of any Evangelical Denomination: GREETING:

You and each of you are hereby authorized to solemnize the rites of matrimony between the said parties, and you are requested to return this License to this office for record within thirty days from the solemnization of such ceremony with a certificate of the same as provided by law.

Given from under my hand and seal of Office on this the 30th day of June, A. D., 1888.

(Signed) Wm. O. Carey, Clk.,
Coo-wee-scoo-wee Dist., C.N.

Endorsed as follows:

This to certify that the ceremony of Marriage between the within named Parties was duly performed by me on the third day of July, A. D. 1888 one thousand eight hundred and eighty-eight.
Attest-----
William Adams,
Minister of the Gospel.

Recorded as provided by law this the 9th day of July, 1888.

Wm. O. Carey, Clk.

Coo-wee-scoo-wee Dist. C.N.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 11, 1901

TAMM BIXBY,

Acting Chairman.

79.667

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUN 19 1901

[Handwritten signature]

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsoa, I.T., June 11, 1901.

In the matter of the application of Ellis Warren for the enrollment of himself as a Cherokee Freedman by intermarriage; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Ellis Warren.
Q How old are you? A I am 49.
Q What is your post-office address? A Hayden.
Q What district do you live in? A Cooweescoowee.
Q You apply to be listed for enrollment as a Cherokee Freedman?
A Adopted.
Q What is your wife's name? A Matilda.
Q You apply for anybody besides yourself? A No sir not at present.
Q How old is your wife? A I do not know sir.
Q About how old? A I guess she is about 60.
Q Older than you then? A Yes sir, she is older than I am.
Q When were you married to her? A I really couldn't tell you.
Q Have you got a certificate of marriage? A Yes sir, I think I have. (Produces papers.)
Q Is your wife's name on the roll of 1830? A I do not know sir, whether it is or not. It should be there, but I couldn't tell you whether it is or not.

Comr: The applicant presents a marriage license issued by the authorities of the Cherokee Nation on the 30th day of June, 1838, authorizing one Ellis Warren, a citizen of the United States, to marry Matilda Johnson, a citizen of the Cherokee Nation, and the certificate of marriage, certifying that the marriage ceremony was performed on the 3rd day of July, 1838; said marriage license and certificate being regular as provided by the laws of the Cherokee Nation.

Q Were you ever married to her before? A No sir.
Q Have you been with Matilda Johnson continuously since you married her? A Yes sir, all but until last --
Q Living together now? A Well, I am working a farm, but we don't live together.
Q Are you divorced? A Yes sir.
Q Have you married since your divorce? A No sir.
Q When were you divorced? A This last spring.
Q Have you any certificate of divorce? A Yes sir, but not with me.
Q Where were you divorced? A At Vinita.
Q In what court? A United States court.
Q Who applied for the divorce? A I did, by her orders.
Q You abandoned her then? A No sir, she abandoned me, she got up and left home and told me you can go and get your divorce, I ain't going to live with you any more.
Q What the place where you had been living? A She did, but she came back now.
Q You left the place? A No, I am farming the land.
Q You both live on the same place? A Yes sir, but not in the same house.
Q What was the cause of the divorce? A She got mad at the children.
Q How many children have you? A I have got three children, but they are not her children, they are by a wife that's dead.
Q Have you any children by her? A No sir.
Q When you lived with her up from '88 until a year ago? A Yes sir.
Q Was she married before she married you? A She was a widow, she married a Johnson.
Q What was her name before she married you Johnson? A Her father

Ellis Warren 2

Q What was his full name? A She was a sister of Frank Ross and Ben Loody.

Q What was her name, Matilda Loody? A I don't know sir, it was Matilda.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's wife not found thereon.

Q What was her father's name? A Billy Loody.

Q What was her mother's name? A Julia Loody.

Q What proof have you got of your wife's citizenship? A I haven't got any, she has always been claimed as a citizen.

Q Has she applied to be enrolled? A Yes sir, she has come here and on rolls.

Ex. Examined by Cherokee Rep'lve W.W. Hastings:

Q How long had you been separated from her when you got a divorce?

A We had been separated about a year I guess.

Q You brought the suit did you, or did she bring it? A I brought it.

Q In the court at Vinita? A Yes sir.

Q What grounds did you set up against her? A I didn't set up any, only told them her orders was for me to have a divorce; they asked me did I mistreat her, I told them I did not.

Q Did you have any witnesses? A None at all, only from her hands, she wrote a card to them and told them she was perfectly willing for me to have it.

Q Who was your lawyer? A Stanfield.

By Com'r Needles:

Q How long have you lived in the Cherokee Nation? A I can't tell you, I come here in a early day; I have been here before this country was settled up any at all.

By Mr. Hastings:

Q Were you ever married before you married Matilda? A Yes sir.

Q What was your first wife's name? A Mandy.

Q Where is she now? A -She is dead.

Q She die before you married this woman? A Oh yes sir.

Q You ever have any other woman for your wife? A No sir.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and offers in testimony the decision of the Supreme Court of the Cherokee Nation, found on pages 86 and 87, Minutes of Special Court of Commission, Supreme Court of the Cherokee Nation, 1871, with reference to the rights of intermarried colored persons, which is as follows:

"Tuesday morning, June 20th, 1871, Court convened. - Present same as yesterday -- the making out of report continued until the Court announced the following decision regarding certain colored men, who have married colored women of the Nation

To wit:-

The Court of Commission after mature reflection feel Authorized to decide against all Cases before it, wherein Colored or Black men are claiming Citizenship from marrying Black Female citizens under the law "Regulating Intermarriage with White men" as they are construed a correct interpretation

Ellis Warren 3

as it only alludes to, and was intended for White men and Cherokee Women.

The Court believe it is furth er sustained in the opinion, the colored citizens are such by adoption, and as such can not confer rights upon others, without further legislation upon the ~~matter of the colored citizens being entitled to the same rights as the white citizens~~ matter. Therefore decide, "The following named persons are not entitled to Cherokee Citizenship as claimed"

To wit:-

George Washington, Coos wee scow wee Dist.	"	"
Henry Johnson Tah le quah	"	"
Lee Cooper	"	"
Henry Bird	"	"
William Maddin	"	"
()	"	"
Soloman Foster, Illinois Dist.		
William Hudson, Illinois Dist.		
Haywood Youngblood Sequoyah Dist.		

By Com'r Needles: Ellis Warren applies for the enrollment of himself as a Cherokee Freedman citizen by intermarriage, and makes satisfactory proof of the issuance of a marriage license to him to marry Matilda Johnson; said marriage license has been issued by the authorities of the Cherokee Nation; also a certificate of marriage certifying that the ceremony was performed on the third day of July, 1888; he avers that he was divorced from said wife; it will be necessary for him to file with this Commission a certified copy of said divorce; his wife Matilda Warren, through whom he claims citizenship, has been duly listed for enrollment as a Cherokee Freedman citizen on D card 587, and reference is made to the testimony taken in said case, - It will not be necessary to file a copy of said testimony; reference is merely made to same; he makes satisfactory proof of residence, consequently, Ellis Warren will be listed for enrollment as a Cherokee Freedman by intermarriage, on a doubtful card.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this June 19, 1901.



Commissioner.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

SS

In the matter of the application of

Ellis

for enrollment as a Cherokee Freedman.

No. F. D. *667*

Henry Pack of lawful age, being duly sworn on oath states that on the *17* day of *September*, A. D., 1901, he registered to *Ellis Warren* whose postoffice is *Gardner* Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at *Took Gibson* Indian Territory; and that on the *20* day of *September*, 1901, he received the return card which is hereto attached, signed by the said *Ellis Warren*, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the *20* day of *Sept.* A. D. 1901.

C. B. [Signature]
Notary Public.

INDIAN TERRITORY

CHIEF OF COURTS

THE HONORABLE

TO WHOM

IT COMES

Y

BY AND THROUGH THE

DAY

A.D. 1901

GAVE TO THE HONORABLE

TO

A.D. 1901

Master of the Cherokee Nation

I, the undersigned attorney for the
within named Indians, do hereby accept
service of the within notice on this the

DAY

1901

Attest my hand and seal

UNITED STATES OF AMERICA
IN AND FOR THE
NORTH INDIAN

I, the undersigned, do hereby accept
the copy of the within notice on this

DAY

1901

A.D. 1901

Subscribed and sworn to before me
this DAY OF 1901

By

FILED
SEP 21 1901

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2
1

NOTICE

IN THE MATTER OF The application of **Ellis Warren**
for enrollment as a Cherokee Freedman

Case No. F. D. 567

To **Ellis Warren** **Hayden**, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of **Fort Gibson, I. T.** Indian Territory, on the following dates, to-wit: **Sept. 25th** at 2 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **14th** day of **Sept.**, 1901.

B. Del.
V. Hase.
Attorneys for the Cherokee Nation.

Sherokee Freedman

Wichita, Indian Territory, January 11, 1908.

Mr. Morris,

Wichita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the
Commission of the Five Civilized Tribes, dated January 10, 1908,
concerning your officers, the application for your enrollment as a
Sherokee citizen by intermarriage.

The decision, together with the record of proceedings had
in the case, has this day been transmitted to the Secretary of the
Interior for his review and decision. The action of the secretary
will be made known to you as soon as the Commission is informed of
the same.

Respectfully,

James H. Hootch.

Chairman.

Encl. I-72.

Register.

COR.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, James Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Mattie Alberty, Dave Morris, Alexander Claggett, Ananda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Edward P. Watson, Jack McConnell, Mauds Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Hampton, Thomas H. Allen, Louis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Klaxie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred J. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Weber,

Frances Martin, Mary Riley, Emanuel Tayler, Henry Spina, Lemuel P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Marrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Hava, Neoma Hava, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Duckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Galtier, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Supter, Mariah Thompson, Ellen Sheppard and Lula Halton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

SIGNED: *Tamc Dixby.*
Chairman.

Incl. K-8.

Through the
Commissioner of Indian Affairs.

COPY

Cherokee Freedmen
D-M et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Marham, Frances Melton, John Detson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harkin, Nellie Fields, John Kinbo, William S. Madison, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Malvina Alberty, Jaye Morris, Alexander Elaggett, Amanda Martin, Eliza Martin, John E. Badine, Bell Davis, Samuel Brown, Edward F. Watson, Jack McConnell, Maude Kenley, George Reed, Sr., Buck Latham, Bell Thompson, Lewis Scott, Abe Scott, Kender Langston, Thomas E. Allen, Lewis Vanderford, John L. Bevin, Katie Davis, Charles Williams, John F. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles S. Smith, Susie Gilbert, William Shags, Susie Johnson, Alfred P. Hopkins, Klattia Vann, Freddie Lerney, Lucy

Chouteau, Alice Durant, Mahaley Ward, Fred J. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Harrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Neema Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Jackson, James E. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Bampton, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

-3-

Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

WED. *Tamc Dirby.*
Chairman.

Incl. K-9.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Refer in reply
to the following:
Land.
7908-1908.

WASHINGTON, March 20, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1908, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Detsen, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinke, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Liberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard P. Watson, Jack McConnell, Hattie Henley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Emily Rose, Charles G. Smith, Susie Gilbert, William Shaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Leamy, Lucy Chouteau,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Damm, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Have, Neoma Have, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Hewell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that

-3-

none is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larabee,

Acting Commissioner.

N.H.W.
W.

(C O P Y)

D. C. 20877-1905
I.T.D. 2904-1905

W C F
F H 1

LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

April 17, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Rider, Nelson Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie Fields, John Kimbo, William S. Madden, Jane Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Anania Martin, Eliza Martin, John A. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McCormell, Maude Marley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert,
William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann
Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
Sykes, Larkin P. Powell, Stepheny Dawn, Malinda Vann, Frances
Johnson, Annie Webster, Mary M. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
Howles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary
Ross, Maggie Hays, John Hays, Alice Ross, Elizabeth Jordan,
Gailie Allen, Georgeann Archer, John Claggett, Fannie Smith,
Jack Jackson, Eli Sanders, George Hazelrig, Fizzie West
Maria Brown, Mr. Johnson, Fannie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Deckman,
James W. Perry, Isaac Welch, Lawson Logan, George Howell,
Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers
Irene Jones, Alice Center, Katie Alair, Carrie Martin, Benjamin
Clara, Willie Looney, John Croves, Matilda McVair, Betty Vann,
William Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Goldsby, Susan Daniell, Anderson Turk, David Lane,
Telix McClain, Henderson Jones, Belle Vann, Levi Stroud, John
Sumpter, Mariah Thompson, Ellen Sheppard and Lula Welton.

-3-

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) FRED. RYAN
Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

D-667.

Muskogee, Indian Territory, April 28, 1905.

Ellis Warren,

Hayden, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED *Tame Bixby.*
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905

Bell, Hastings & Tavesport,

Attorneys for the Cherokee Nation

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

James Dixon
Chairman

COPY.

Cherokee Freedmen

D-14, et al..

Muskogee, Indian Territory, April 26, 1903.

Commissioner in Charge,

Cherokee Land Office,

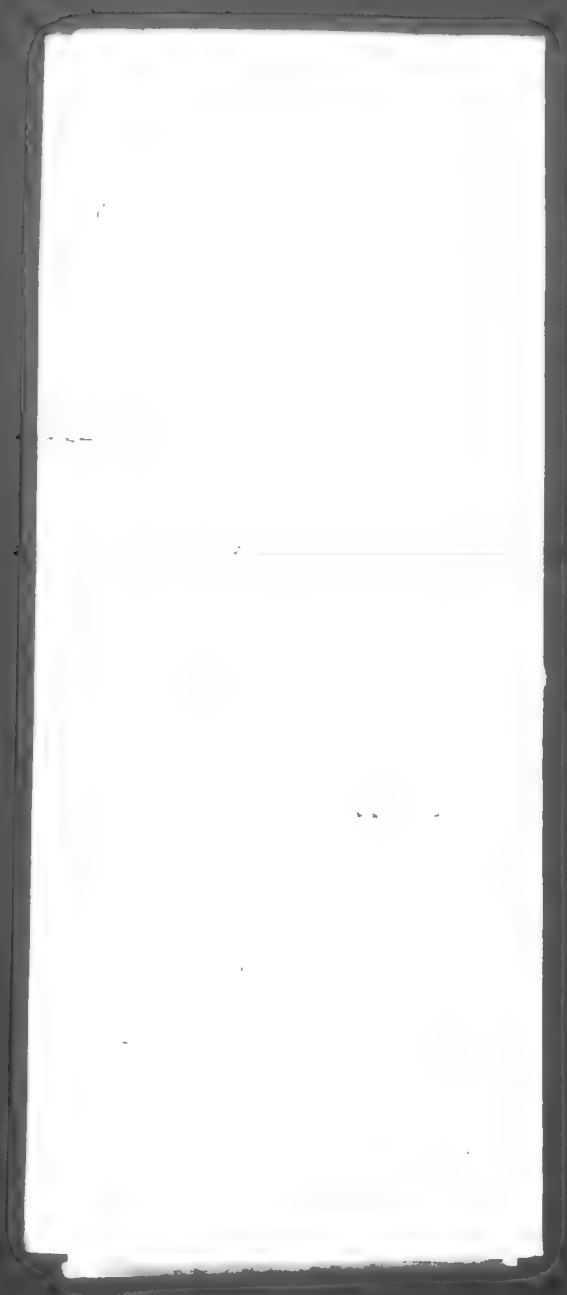
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1903, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1903.

Respectfully,

(SIGNED) *Tame Bixby.*
Chairman.



Councils of the Dist. }
Cherokee Nation &c. } To all to whom it
may concern: Be it known:

That a marriage
Clerk of the Dist. aforesaid, by virtue of the
Authority in one vested by Law have
this day issued a license of marriage to one
Ellis Warren a citizen of the U. States to
marry Matilda Johnson a citizen of the
Cherokee Nation, &c. the said Ellis Warren
having complied with the Law regulating
intermarriage between white men on
foreigners with citizens of the Cherokee
Nation: Therefore,

To any of the Judges and
Clerks of the Cherokee Nation or to any Regularly
ordained minister of the Gospel of any
Evangelical Denomination: Greeting;

You and each of you are hereby
authorized to solemnize the rites of matrimony
between ~~between~~ the said parties, and you are
requested to return this license to this office
for record within thirty days from the solemn-
ization of such ceremony with a certificate
of the same as provided by Law,

Witness my hand and seal of
Office on this 30th day of June

NOTE:—“Decision regarding colored citizens of the United States intermarrying with colored women, citizens of the Cherokee Nation.” Page 3.

“Tuesday Morning, June 20, 1871.”

“Court convened. Present same as yesterday. The making out of report continued until the court announced the following decision regarding certain colored men who have married colored women of the nation, to-wit:—

“The Court of Commission after mature reflection feel authorized to decide against all cases before it wherein colored or black men are claiming citizenship from marrying black female citizens under the law ‘Regulating Intermarriage with White Men,’ as they are convinced a correct interpretation of said law will not authorize a clerk of any of the courts to issue a license to a black man to marry a black woman as it only alludes to, and was intended for white men and Cherokee women.”

“The Court believes it is further sustained in the opinion that colored citizens, are such by adoption, and as such, cannot confer rights upon others, without further legislation upon the matter; therefore decides ‘The following named persons are not entitled to Cherokee citizenship as claimed, to-wit:—’

“George Washington, Cooweescoowee District.

“Henry Johnson, Tahlequah “

“Lee Cooper, “

“Henry Bird, “

“William Madden, “

“Alonzo Cullen, “

“Solomon Foster, Illinois “

“William Hudson, “

“Haywood Youngblood, Sequoyah District.”

EXECUTIVE DEPARTMENT, CHEROKEE NATION.

TAHLEQUAH, I. T., June 22, 1901.

I, J. T. Parks, Executive Secretary of the Cherokee Nation, Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the decision of the Supreme Court of the Cherokee Nation sitting as a “Special Court of Commission” as found on pages 86 and 87 Record Book No. Five entitled “Minutes of Special Court of Commission,” on file in this department.

Given under my hand and the Great Seal of the Cherokee Nation at Tahlequah, Indian Territory, on this the day and date above written.

J. T. Parks
Executive Secretary of Cherokee Nation.

MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN.

Date

JUN 11 1901

Post Office

Hayden St.

District

Co's

1. Name

Ben Harrison

Age 49

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3.

Year Page No. Dist.

4.

Year Page No. Dist.

5.

Year Page No. Dist.

6.

Year Page No. Dist.

7.

Year Page No. Dist.

8.

Year Page No. Dist.

9.

Year Page No. Dist.

10.

Year Page No. Dist.

11.

Year Page No. Dist.

12.

Year Page No. Dist.

Application made by

M. D. Green

Stenographer

M. D. Green

certified copy of decree of divorce to be supplied

X ref B587

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

W. B. BIXBY,

Commissioner,

Washington, D. C.

July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,
Henry Thomas,
Ella Vane,
Mary Markham,
Frances Melton,
John Dotson,
Mary Jane Vane,
Thomas Love,
Ellis Mayfield,
Sallie Rider,
Reuben Campbell,
Van Jackson Luther,
Cassie Middleton,
Mary Harlin,
Nettie Fields,
John Kimbrey,
William S. Madden,
Jane Beck,
Albert T. Thomas,
Mary Campbell,
Caroline Daniels,
Malvina Albert,
Dave Morris,
Alexander Unggert,
Amelia Martin,
Elin Martin,
John E. Barrow,
Bell Davis,
Samuel Brown,
Howard E. Watson,
Jack McConnell,
Maud Mantey,

~~Cherokee Freedmen D-174~~
~~Cherokee Freedmen D-175~~
~~Cherokee Freedmen D-176~~
~~Cherokee Freedmen D-177~~
~~Cherokee Freedmen D-178~~
~~Cherokee Freedmen D-179~~
~~Cherokee Freedmen D-180~~
~~Cherokee Freedmen D-181~~
~~Cherokee Freedmen D-182~~
~~Cherokee Freedmen D-183~~
~~Cherokee Freedmen D-184~~
~~Cherokee Freedmen D-185~~
~~Cherokee Freedmen D-186~~
~~Cherokee Freedmen D-187~~
~~Cherokee Freedmen D-188~~
~~Cherokee Freedmen D-189~~
~~Cherokee Freedmen D-190~~
~~Cherokee Freedmen D-191~~
~~Cherokee Freedmen D-192~~
~~Cherokee Freedmen D-193~~
~~Cherokee Freedmen D-194~~
~~Cherokee Freedmen D-195~~
~~Cherokee Freedmen D-196~~
~~Cherokee Freedmen D-197~~
~~Cherokee Freedmen D-198~~
~~Cherokee Freedmen D-199~~

George Reed, Sr.,
Buck Ledman,
Bell Thompson,
Lewis Scott,
Abe Scott,
Kender Lampton,
Thomas E. Allen,
Lewis Vanderford,
John L. Bowlin,
Katie Davis,
Charles Williams,
John J. Rose,
Jane Martin,
Lena Peterson,
Alex Johnson,
Martha Vann,
John Scott,
Nancy Ross,
Charles C. Smith,
Susie Colbert,
William Skaggs,
Susie Johnson,
Alfred P. Hopkins,
Kizzie Vann,
Freddie Looney,
Lucy Chouteau,
Alice Durant,
Mahaley Ward,
Fred D. Thomas,
Bettie Beck,
Ellie Warren,
Millie Robinson,
Mary Webber,
Frances Martin,
Mary Riley,
Emanuel Taylor,
Henry Sykes,
Larkin P. Powell,
Stepney Dawn,
Malinda Vann,
Frances Johnson,
Annie Foster,
Mary H. Rogers,
George Washington Lane,
Jane Brown,

Cherokee Freedmen D—382,
Cherokee Freedmen D—406,
Cherokee Freedmen D—411,
Cherokee Freedmen D—420,
Cherokee Freedmen D—421,
Cherokee Freedmen D—423,
Cherokee Freedmen D—424,
Cherokee Freedmen D—426,
Cherokee Freedmen D—444,
Cherokee Freedmen D—455,
Cherokee Freedmen D—473,
Cherokee Freedmen D—474,
Cherokee Freedmen D—486,
Cherokee Freedmen D—490,
Cherokee Freedmen D—493,
Cherokee Freedmen D—495,
Cherokee Freedmen D—501,
Cherokee Freedmen D—513,
Cherokee Freedmen D—514,
Cherokee Freedmen D—520,
Cherokee Freedmen D—545,
Cherokee Freedmen D—546,
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Cherokee Freedmen D—573,
Cherokee Freedmen D—584,
Cherokee Freedmen D—588,
Cherokee Freedmen D—608,
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Cherokee Freedmen D—677,
Cherokee Freedmen D—674,
Cherokee Freedmen D—691,
Cherokee Freedmen D—692,
Cherokee Freedmen D—696,
Cherokee Freedmen D—699,
Cherokee Freedmen D—733,
Cherokee Freedmen D—735,
Cherokee Freedmen D—736,
Cherokee Freedmen D—741,
Cherokee Freedmen D—742,
Cherokee Freedmen D—743,
Cherokee Freedmen D—752,
Cherokee Freedmen D—753,
Cherokee Freedmen D—760,

77-6-67

Samuel L. Young,
John Buckner,
Willie Cox,
Leonard Bowles,
Malinda Murroll,
Charles Claggett,
Samuel Irvon,
Mary Ross,
Maggie Nave,
Neoma Nave,
Ella Ross,
Elizabeth Duncan,
Sadie Adams,
Georgeann Archer,
John Claggett,
Hattie Smith,
Jack Jackson,
Lula Sanders,
George Hazelrig,
Lizzie West,
Maria French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Deckman,
James B. Perry,
Isaac Welch,
Lawson Logan,
George Howell,
Henry Maair,
George Adams,
Annie Thomas,
Lewis McConnell,
Callie Vann,
Lou Peters,
Ida Adair,
Robert Brown,
Alie Chambers,
Isom Jones,
Alice Gunter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D—761,
Cherokee Freedmen D—780,
Cherokee Freedmen D—781,
Cherokee Freedmen D—787,
Cherokee Freedmen D—788,
Cherokee Freedmen D—789,
Cherokee Freedmen D—798,
Cherokee Freedmen D—799,
Cherokee Freedmen D—808,
Cherokee Freedmen D—816,
Cherokee Freedmen D—840,
Cherokee Freedmen D—871,
Cherokee Freedmen D—880,
Cherokee Freedmen D—901,
Cherokee Freedmen D—912,
Cherokee Freedmen D—923,
Cherokee Freedmen D—938,
Cherokee Freedmen D—973,
Cherokee Freedmen D—987,
Cherokee Freedmen D—990,
Cherokee Freedmen D—1010,
Cherokee Freedmen D—1039,
Cherokee Freedmen D—1062,
Cherokee Freedmen D—1067,
Cherokee Freedmen D—1078,
Cherokee Freedmen D—1082,
Cherokee Freedmen D—1085,
Cherokee Freedmen D—1105,
Cherokee Freedmen R— 39,
Cherokee Freedmen R— 45,
Cherokee Freedmen R— 48,
Cherokee Freedmen R— 50,
Cherokee Freedmen R— 72,
Cherokee Freedmen R— 82,
Cherokee Freedmen R— 83,
Cherokee Freedmen R— 86,
Cherokee Freedmen R— 94,
Cherokee Freedmen R— 96,
Cherokee Freedmen R— 99,
Cherokee Freedmen R—100,
Cherokee Freedmen R—102,
Cherokee Freedmen R—104,
Cherokee Freedmen R—105,
Cherokee Freedmen R—106,
Cherokee Freedmen R—107,

Benjamin Clark,
Emily Looney,
John Groves,
Matilda McNair,
Bettie Vann,
Nelson Lett,
Fannie Rogers,
William Washington,
Squire Warren Owens,
Fannie Goldeby,
Sasan Daniels,
Anderson Turk,
David Lane,
Felix McClain,
Henderson Jones,
Belle Vann,
Levi Stroud,
John Sumpter,
Mariah Thompson,
Ellen Sheppard,
Lula Melton,

Cherokee Freedmen R—108,
Cherokee Freedmen R—110,
Cherokee Freedmen R—112,
Cherokee Freedmen R—117,
Cherokee Freedmen R—122,
Cherokee Freedmen R—125,
Cherokee Freedmen R—129,
Cherokee Freedmen R—131,
Cherokee Freedmen R—143,
Cherokee Freedmen R—144,
Cherokee Freedmen R—146,
Cherokee Freedmen R—148,
Cherokee Freedmen R—156,
Cherokee Freedmen R—165,
Cherokee Freedmen R—173,
Cherokee Freedmen R—181,
Cherokee Freedmen R—196,
Cherokee Freedmen R—211,
Cherokee Freedmen R—330,
Cherokee Freedmen R—337,
Cherokee Freedmen R—347.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Nathan Campbell for himself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, Oattie Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William N. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Cordine Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Masley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Kiley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isaac Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irvén, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

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Squire Warren Owens, Fannie Goldeby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1906, (34 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. B. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

Cher. Fr. R. 684

Trans. from Cher. F. D. 668

Cher. Fr. R. 684

Department of the Interior.
Bureau of Indian Affairs.
Cherokee Nation, I.T., June 11, 1901.

In the matter of the application of Alexander Downing for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Attest:

A. S. McRae, (Colored) for applicant;
Mr. James Davenport, for the Cherokee Nation.

- Q What is your name? A Alexander Downing.
Q How old are you? A 32.
Q What is your post-office address? A Katoomba.
Q What district do you live in? A Delaware.
Q You desire to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to enroll besides yourself? A Just me, and I have got four brothers.
Q Are they all older than you? A They are all younger than me.
Q Are they all of age? A Yes sir.
Q They must enroll themselves, are you married? A Yes sir.
Q Do you apply for your wife? A No sir, she has been enrolled.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Not only to a certain extent.
Q Is your name on the roll of 1880? A No sir.
Q On any of the rolls? A Not that I know of.
Q Ever draw any money? A No sir.
Q Did you ever apply to the Cherokee authorities to be enrolled?
A Yes sir, my uncle have.
Q You were refused, were you? A Yes sir.
Q Were you a slave? A No sir, I wasn't; my father was.
Q What was your father's name? A Alex Downing.
Q Is he living? A No sir, he is dead.
Q What was your mother's name? A Edie
Q Is she living? A No sir, they are both dead.
Q Was your father a slave? A Yes sir.
Q To whom did he belong? A I heard my uncle say he belonged to Eliza Wright.
Q How long has your father been dead? A About 19 years.
Q How long has your mother been dead? A About the same.
Q Was she a slave? A Yes sir, she was a slave.

Examination by Attorney, A.S. McRae:

- Q Where is the first recollection you have of yourself, where were you? A I was living over here on Grand River, with my grandfather.
Q Where is that, in the Cherokee Nation? A Yes sir.
Q Have you continuously lived in the Cherokee Nation ever since you have had any recollection of yourself? A Yes sir.
Q Are you acquainted with Zebedee Downing, who is on the Authenticated roll of 1880? A Yes sir.
Q Is he any relation to you? A He is my uncle.
Q Did he have the care and custody of bringing you up, and your other brothers and sisters? A Yes sir, he raised me from the time of my father's death up until I became grown and married.
Q Why is it that none of yours or your brothers names are upon the authenticated roll do you know? A I can't tell hardly why it is that they don't appear, he has always had some one make applications for us for enrollment.
Q What relation was your father to Zebedee Downing, and Elias Downing? A They were brothers.
Q Did they belong to the same owners, so far as you ever heard?

ELIAS DOWNING, being first examined by Commissioner Needles

- Q What is your name? A Elias Downing.
Q What is your age? A 53.
Q What is your post-office address? A Chelsea.
Q Are you a recognized citizen of the Cherokee Nation, Freedman?
A Yes sir.
Q Is your name on the roll of 1880? A No sir.

By Attorney A. S. McRae,

- Q Are you acquainted with the applicant here, Alexander Downing?
A Yes sir.
Q Is he any relation to you? A Yes sir, I am his uncle.
Q Then his father, Alexander Downing, was a brother of yours? A Yes sir, own brother.
Q Did you and he belong to the same owners? A Yes sir.
Q Did he go out of the Nation during the war? A Yes sir.
Q Where did he go to? A He went to Texas.
Q Did he ever return? A Yes sir, he returned.
Q Did you go out yourself? A Yes sir.
Q Who returned first, he or yourself? A I returned first.
Q What time did you return? A I returned in '62.
Q Was he a man when he was taken out during the war, your brother?
A Yes sir, he was about 15 years old when he was taken out.
Q Did I understand you to say that he returned at the same time as yourself? A No sir.
Q What prevented his returning at the same time as yourself? A He was a slave down there, and he was working for his owners when I left there.
Q When did you first see him in the Territory after the war? A It has been right about thirty years, I don't know just what year when I first saw him.
Q Did he have a family? A Yes sir, he had a family.
Q Did he live continuously in the Cherokee Nation after his return from Texas? A Yes sir, up till he died.
Q He lived and died in the Cherokee Nation? A Yes sir.
Q What relation was he to Zebedee Downing, who appears upon the authenticated roll of 1880? A Own brothers.
Q Can you state why it is that the name of your brother, Alexander Downing, does not appear upon any of the rolls of the Cherokee Nation? A Not exactly, I can't; it seems that through the Wallace Court there was some kind of mistake made with my brother in giving in the evidence, some kind of mistake, I don't know just what.

By Com'r Needles:

- Q You state in your testimony that you and Alexander Downing were slaves and belonged to the same man? A Yes sir.
Q Who was that? A We first belonged to Eliza Wright.
Q Was she a Cherokee citizen? A Yes sir.
Q Well, who next? A She was a widow woman, and then we belonged to her daughter, she married a man named Sam Couch, that's who carried us out of here.
Q Carried you into Texas? A Yes sir.
Q That was a slave state? A Yes sir.
Q Before the war? A After the war commenced, about '62 or '63.
Q He went to Texas himself? A Yes sir.
Q Took you with him? A Yes sir.
Q Hired out out down there? A No sir, I worked for him all the time while I was down there.
Q Wasn't your brother, Alexander sold? A No sir.

By Mr. Davenport :

- Q Was that Sam Couch a resident of the state of Texas when the war broke out? A He was living here in the Territory when the war

- Q Sam Crouch is a brother of what they call Peach Crouch, who is living here in town now? A Yes sir.
- Q You know the reason why you are not on the roll of 1880 don't you?
- A Yes sir.
- Q And that is because Sam Crouch didn't bring you back until '68?
- Q It is because they wouldn't put me on.
- Q Didn't Sam Crouch bring you back here? A No sir.
- Q And did you come with? A Come by myself with a drove of cattle.
- Q Who did Alexander come with? A I disremember.
- Q He came after you come? A Yes sir.
- Q And you came back in '68? A Yes sir.
- Q And he come sometime after that? A Yes sir.
- Q That time of the year in '66 did you come? A It was along through the summer and fall.
- Q You don't know whether Sam Crouch brought his father back or not?
- A No, Sam Crouch didn't bring him back, as I know of.
- Q Did you come after or before Sam? A Well if I come in '66 I must have come before.
- Q Where were you living when Sam lived in the State of Texas? A I was down there.
- Q Where was this applicant's father and the applicant living when Sam lived in the state of Texas? A They were living there I suppose.
- Q They were living in Texas? A Yes sir.
- Q This applicant was born in Texas wasn't he? A Yes sir, I think he was born there.

By Attorney, A.S. McRae:

- Q Your brother was a minor when he went to Texas was he? A Yes sir.
- Q And he went out sometime during '62 or '3? A Yes sir.

By MR. Davenport:

- Q He married in Texas? A Yes sir.
- Q And this applicant here was born in Texas? while he was living there after he was married? A Yes sir.

By Com'r Needles:

- Q How old was this child when Alexander Downigg came back from Texas to the Cherokee Nation? A I don't know just how old he was.
- Q Alexander bring this child Alex with him? A Yes sir.
- Q Did he bring his wife with him, his own wife? A Yes sir.
- Q Did this applicant's wife come along? A No sir.
- Q I mean the applicant's father's wife? A Yes sir.
- Q Although he had married down there? A Yes sir, he had married there.

JENNIE DOWNING, being sworn and examined by Com'r Needles, testified as follows:

- Q What is your name? A Jennie Downing.
- Q What is your age? A 42.
- Q What is your post-office address? A Ketchum.
- Q In what district do you live? A Delaware.
- Q Are you a recognized Freedman citizen of the Cherokee Nation?
- A Yes sir.
- Q Is your name on the authenticated roll of 1880? A Yes sir.

By Attorney, A. S. McRae:

- Q Are you acquainted with the applicant here, Alexander Downing, Jr?
- A Yes sir.
- Q How long have you known him? A Oh ever since a little bit of a boy.
- Q Were you acquainted with his father, Alexander Downing, Sr?

- Q Yes sir.
- Q Now when he returned from the state of Texas after the war?
- A Yes sir, I do not know just exactly when he returned.
- Q Did he have the care and bringing up of these children also?
- A Yes sir.
- Q Are that the children of Alexander Downing and Edie Downing?
- A Yes sir.
- Q What is any relation to your husband, Hebedee Downing, whose name appears upon the authenticated roll of 1880? A He is their uncle.
- Q What relation is his father, Alexander Downing, to your husband, Hebedee Downing? A Full brother.
- Q Did the census enumerators ever come to your house during the time you had the custody of these children? A No sir, their father was living at that time.
- Q Were they at their father's house? A Yes sir.
- Q You know why it is that none of their names appear upon the rolls of the Cherokee Nation? A I could not tell you, I don't know.
- Q But you do know that the census enumerators went to their house?
- A Yes sir.
- Q About what time was that? A It was, in 1880.

By Com'r Needles:

- Q What relation did you say you are to Alexander Downing here?
- A I was his aunt by marriage.
- Q Was Alexander Downing, Sr., this applicant's father, a slave?
- A Yes sir.
- Q Where did he belong to? A He belonged to the Wrights I suppose, I ain't acquainted with his owners, but that's who he belonged to.
- Q Was Alexander Downing, Sr., taken out of the Cherokee Nation during the war? A Yes sir.
- Q Where to? A Texas.
- Q Were you taken out? A Yes sir.
- Q You don't know then when Alexander Downing, Sr., the father of the applicant, returned from Texas? A No sir.
- Q What are the names of Alex Downing's children? A Alex Downing, Johnnie, Tommie Downing, Andrew and Solomon Downing.
- Q Are they all living? A Yes sir.

Examination by Mr. Davenport:

- Q You and your husband didn't go to the same place during the war? that this boy's father did? A No sir.

Mr. McKae:

- Q You wasn't married at that time? A No sir.

Mr. Davenport:

- Q Did your husband go to the same place where the applicant's father did? A I don't know.
- Q He didn't return with him? A No sir.

By Mr. McKae:

- Q Do you know of your own knowledge that he didn't return with, - well, that's all right, I won't ask that question.

By Com'r Needles:

- Q Did Alexander Downing live in the Cherokee Nation from the day of his return until his death? A Yes sir.
- Q How many of these children were born in the State of Texas, any besides the applicant? A No sir.
- Q Balance of the children born here in the Cherokee Nation?
- A Yes sir.
- Q Did man Alexander Downing marry in Texas? A Yes sir.

Was his wife what is known as a State woman, or had she been a
"peace slave"? A She was a state woman.

ALEXANDER DOWNING, re-called, and further examined, by Mr.

McGee:

- Q Mr. Downing, did your brother go out during the war? A Yes sir.
Q Where did he go to? A I heard he went to Texas.
Q Did he return after the war? A Yes sir.
Q What year? A I found him here in '66.
Q You found him here in '66 when you returned? A Yes sir.
Q In the Cherokee Nation? A Yes sir.
Q At what point? A Delaware district.
Q Were there any children besides yourself, Zebedee and Alexander?
A Any with him you mean?
Q Yes, any other children of the family? A Oh yes sir, there was
about ten of us children.
Q Was your father dead before the census roll of 1880 was taken?
A No sir, he has been dead about twelve or thirteen years, just
before the Wallace Court.
Q Does his name appear upon the authenticated roll of 1880? A Yes
sir.

By Com'r Needles:

- Q You didn't go out with your father? A No sir.
Q You went south and your father went north? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation
examined and applicants not identified thereon.
1896 census roll of citizens of the Cherokee Nation and ap-
plicant not found thereon.
Wallace pay roll of citizens of the Cherokee Nation examined
and applicant not found thereon.
Kern-Clifton pay-roll of citizens of the Cherokee Nation ex-
amined and applicant not found thereon.

APPLICANT, ALEXANDER DOWNING, re-called, and further ex-
amined by Com'r Needles:

- Q You never drew any money at all? A No sir.
Q You have been living in the Cherokee Nation all your life? A All
my life, so far as I can recollect.
Q Can you recollect being in Texas? A No sir, when I first re-
member I was living over on Grand River, with grand-pa, me and
my father both.
Q Who was your grandfather? A Reuben Downing.

Com'r Needles: Alexander Downing applies for the
enrollment of himself; his name cannot be found nor can he
be identified upon any of the rolls of the Cherokee Nation
now in the possession of the Commission; he avers that
he is a son of Alexander Downing, Sr., by his wife, Edie, who
was what is known as a state woman; the name of his father can-
not be found upon the authenticated roll of 1880; proof is made
that his father was a slave, moved to the state of Texas,
was carried to the State of Texas, and returned in the year
1866; that the applicant was born in the state of Texas, and
returned when he was a minor, and that his father was a minor
when he was taken to the state of Texas during the war; satis-
factory proof has been made as to the residence of the said

Alexander Downing, and he will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, awaiting further consideration of the Commission when arrived at.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. GREEN.

Subscribed and sworn to before me this June 19, 1901.

(Signed)-T. B. NEEDLES,
Commissioner.

Josie Davies, stenographer to the Commission to the Five Civilized Tribes, having been first duly sworn, states that the above and foregoing is a true and complete copy of the original testimony in the above entitled case, taken at Chelsea, I. T. on June 11, 1901, now on file with the Commission.

Josie Davies

Subscribed and sworn to before me this December ~~24~~, 1904.

& *Charles H. Sawyer*
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 12th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ALEXANDER DOWNING as a Cherokee freedman, introduced on part of
Cherokee Nation:

APPEARANCES:

A. S. McRea, Attorney for Applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

M. W. COUCH, being duly sworn, testified as follows on
part of Cherokee Nation:

Mr. DAVENPORT: What is your name? A M. W. Couch.

Q What is your post office, Mr. Couch? A Chelsea.

Q How old are you? A 59.

Q How long have you lived in the Cherokee Nation? A About 33
years.

Q Where did you live prior to coming to the Cherokee Nation?

A Texas, Russ County.

Q Who was your wife before you married? A She was a Wright,
Mary Wright.

Q Did you while living in Texas know a family of colored people
by the name of Downing? A Yes, sir.

Q Did you know what the name of the father of the family was?
(No response.)

Q Did you know Alexander Downing? A Yes, sir.

Q Well, where was you living when you first got acquainted with him?

A In Texas.

Q When did you first see Alexander Downing and get acquainted with
him? A '53.

Q Where was he living at that time? A Russ County, Texas.

Q Well, when did you move from Texas to the Cherokee Nation? A '68

Q Where was Alexander Downing living when you moved from Texas to
the Cherokee Nation? A Living in Texas.

Q Do you know whether or not he lived in Texas from the time you
got acquainted with him up to the time you moved to the Cherokee Na-
tion? A Yes, sir, he lived there.

Q He lived near you or near your family? A Yes, sir, worked for
us part of the time.

Mr. McRea: Mr. Couch, you say you first learned to know Alex-
ander Downing in the year 1863, I believe? A Yes.

Q Where was that at? A Russ County, Texas.

Q You knew nothing of him before then? A No, I can't say that I
did. I might have seen him before.

Q You don't know to whom he belonged? A Belonged to Mary Wright
or Lucy Wright.

Q Do you know that or your own knowledge? A No, sir, I got that
from the family.

Q How long had he been living in Texas before you learned to know
him? A I don't know.

Q Don't know when he went to Texas? A No.

Q Were you acquainted with his father? A I saw his father after
I came back here.

Q His father was here? A Yes, sir.

Q Were you acquainted with any members of his family, that is, his
brothers or sisters? A Oh, yes.

Q Do you know Zebade? A Zebade, Elias.

Q When did you learn to know Zebede? A After the war, he stayed here; I knew Elias down there at the same time I knew Aleck.

Q Well, did you ever see him any more after you left Texas in 1868?

A Yes, sir, I saw him in Texas after I moved from there, but I never have seen him here.

Q Never have seen him in the Cherokee Nation? A No, sir.

Q How long did you remain here before going back to Texas after you arrived in 1868? A Went back in the spring of '69.

Q Saw him there then? A Saw him there then.

Q Are you acquainted with his family? A No, I can't say that I am; I knew his wife at that time.

Q He had no children had he? A If he had I don't remember, the only way I remember Aleck in '69 is he broke horses for me and

helped me about the cattle.

Q Do you know where Alexander Senior, I believe he is Senior, where was he in 1866? A I can't tell you; first I seen of him was after I moved to Pryor Creek and after I did saw Aleck and Elias.

Q You don't know where Alexander, Sr., was in 1866? A The old man, I don't know where he was; I never seen the old man as I know of after '68 after I moved back here.

Q Now, did I understand that you never saw the father of these children here in the Cherokee Nation in your life? A Not until after I come back; never seen him there or them either; if I saw Aleck I don't remember after I come back.

Commissioner: This testimony will be made part of the record in the following Cherokee Freedmen cases, #D.669, #D.670, #D.671, and #D.672.

---000000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereon.

J. O. Rosson

Subscribed and sworn to before me this October 16th, 1901.

Commissioner.

Cherokee Freedmen B-558

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Alexander Downing as a citizen by intermarriage of the Cherokee
Nation.

DECISION.


It appears from the records of the Commission that on
March 5, 1904, the Commission rendered its decision in the con-
solidated case of Alexander Downing, et al., Cherokee Freedmen
B 558, wherein the application for enrollment as a Cherokee freed-
man, of Alexander Downing, was denied. Thereafter the Department,
in its letter of August 19, 1904 (I.T.D. 6546-1904) affirmed
the decision of the Commission denying the application of said
Alexander Downing for enrollment as a Cherokee freedman. The
Department further stated that inasmuch as the record shows that
Alexander Downing had married a freedman Cherokee citizen, his
rights as a citizen of the Cherokee Nation, by intermarriage,
should be determined by this Commission.

It does not appear from the records in the possession
of the Commission, that Alexander Downing is identified upon the
1880 authenticated Cherokee roll, nor does it appear that he has
ever been admitted to Cherokee citizenship by a duly constituted
court or committee of the Cherokee Nation, or by the Commission
to the Five Civilized Tribes, or by a decree of the United States
Court in the Indian Territory, under the provisions of the Act
of Congress approved June 10, 1906 (34 Stat., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome (I.T.D. 5848-1904 and 11776-1904), Alexander Downing is not entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation, and that his application for enrollment as such should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman


Commissioner


Commissioner

Muskogee, Indian Territory,
this APR 24 1905

C. R.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Alexander Downing, et al., as Cherokee Freedmen, consolidating the
applications of--

Alexander Downing,	Cherokee Freedmen D-668,
Thomas Downing,	Cherokee Freedmen D-669,
John Downing,	Cherokee Freedmen D-670,
Andrew Downing,	Cherokee Freedmen D-671,
Solomon Downing,	Cherokee Freedmen D-672.

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Alexander Downing for himself; by Thomas Downing for himself; by John Downing for himself; by Andrew Downing for himself, and by Solomon Downing for himself.

The evidence in this case shows that the applicants were born since 1866 and are the children of and claim their right to enrollment through their father, Alexander Downing; that Alexander Downing was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation and did not return thereto and establish a residence there-in within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitacre, trustee, et al., vs. the Cherokee Nation, et al., for the return of Cherokee Freedmen to said Nation.

It further appears that the names of none of the applicants appear on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Alexander Downing, Thomas Downing, John Downing, Andrew Downing and Solomon Downing as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner


Commissioner.


Commissioner.

Muskogee, Indian Territory.

MAR 5 1904

7.70668

D.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the
day of A. D. 190

Given under my hand this
day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service on the within notice on this the
day of 190

Attorney for applicant

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me
this

Notary Public

~~COMM. EXPIRES 1901~~ CIVILIZED TRIBES.

FILED
SEP 25 1901

[Signature]
A. N. C. A. V. V.

NOTICE!

IN THE MATTER OF the application of Alexander Downing
for enrollment as Cherokee citizens:
Case No. D 668

To Alexander Downing or A. S. McRea Atty.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 12th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

Attorneys for the Cherokee Nation.

DE ANIMA ...
...
...
...

[Handwritten signature]

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vienna I. I. Oct 12 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Abelard P. Fleming for enrollment as
Freedmen of the Cherokee Nation.

A. S. McRea

Atty. for applicant.

No. 71911.8

Cherokee Freedmen
D 668

Muskogee, Indian Territory, March 21, 1904.

Alexander Downing,
Ketchum, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Alexander Downing, et al., rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Encl. V-41
Registered.

Cherokee Freedmen
D 668; D 669; D 670;
D 671; D 672

Muskogee, Indian Territory, March 21, 1904.

A. S. McRae,
Attorney for Alexander Downing, et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, in the consolidated case of Alexander Downing, et al., rejecting the applications for the enrollment of Alexander Downing, Thomas Downing, John Downing, Andrew Downing and Solomon Downing as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

G. H. Downing

Commissioner in Charge.

Encl. V-46

Registered.

Cherokee Freedmen
D 668; D 669; D
670; D 671 D 672

Muskogee, Indian Territory, March 21, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, in the consolidated case of Alexander Downing, et al., rejecting the applications for the enrollment of Alexander Downing, Thomas Downing, John Downing, Andrew Downing and Solomon Downing as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-47

Commissioner in Charge.

Cherokee Freedmen
D668, D669, D670,
D671, D672.

Muskogee, Indian Territory, March 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Alexander Downing, et al., including the Commission's decision dated March 5, 1904, rejecting the applications for the enrollment of Alexander Downing, Thomas Downing, John Downing, Andrew Downing and Solomon Downing as Cherokee freedmen.

Respectfully,

C. H. [Signature]

Commissioner in Charge.

Encl. V-48

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
D 668

Muskogee, Indian Territory, October 4, 1904.

Alexander Downing,

Ketchum, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 19, 1904.

Respectfully,

Geo. F. D. D. D.
Chairman.

COPY

Cherokee Freedmen
D 668, et al.

Muskogee, Indian Territory, October 4, 1904.

A. S. McRea,

Attorney for Alexander Downing, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 6, 1904, rejecting the applications for the enrollment of Alexander, Thomas, John, Andrew, and Solomon Downing as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 19, 1904.

Respectfully,

James H. Hasty
Chairman.

COPY.

Cherokee Freedmen
D 668, et al.

Muskogee, Indian Territory, October 4, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the applications for the enrollment of Alexander, Thomas, John, Andrew, and Solomon Downing as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 19, 1904.

Respectfully,

Jame Dixby.
Chairman.

COPY.

Charles Brandon

D-608.

Muskogee, Indian Territory, April 24, 1905.

Alexander Downing,

Ketchum, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 24, 1905, rejecting the application for your enrollment as a Cherokee citizen by intermarriage. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) *Tams Bixby*
Chairman.

Incl. 8-48
Register

COPY.

Cherokee, Indian Territory

D-628.

Muskogee, Indian Territory, April 24, 1905.

A. B. McKen,

Attorney for Alexander Downing,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 24, 1905, rejecting the application for the enrolment of Alexander Downing as a Cherokee citizen by intermarriage. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED:

James Dixby
Chairman.

Incl. 8-49
Register

COPY.

Cherokee Nation

D-668.

April 14, 1905.

W. H. Martin & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 24, 1905, rejecting the application for the enrollment of Alexander Downing as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) *Tame Dixie*
Chairman.

Incl. S-50

CC-17

Cherokee Freedmen
D-668.

Muskogee, Indian Territory, April 24, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Alexander Downing as a Cherokee freedman, including the Commission's decision dated April 24, 1905, rejecting said application.

Respectfully,

(SIGNED), *Iame Bixby*,
Chairman.

Incl. S-51

Through the

Commissioner of Indian Affairs.

Land.
32740-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 4, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 24, 1905, transmitting the record of the application for enrollment as a citizen by intermarriage of the Cherokee Nation by Alexander Downing.

April 24, 1905, the Commission decided adversely to the applicant.

The record shows that the Department by letter of August 19, 1904 (I.T.D.6546-1904) affirmed the decision of the Commission rejecting the application of Alexander Downing for enrollment as a Cherokee Freedman and therein stated that his rights as a citizen by intermarriage should be determined by the Commission.

It does not appear that the applicant is identified upon the 1880 authenticated Cherokee Roll nor that he has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal.

In view of the record the approval of the Commission's
decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

M.V.M.
W.

I. C. .38711, 1905.
I. T. .5048-1905.
JAN

Y.P.
LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

August 10, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

April 24, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Alexander Downing for his enrollment as a Cherokee freedman, including its decision of the same date rejecting said application.

Reporting May 4, 1905, the Indian Office recommended that the Commission's decision adverse to the applicant be affirmed. A copy of its letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated April 24, 1905, rejecting said application is hereby affirmed.

Respectfully,

(Signed) Thos Ryan
Acting Secretary.

1 inclosure.

D-018.

Muscogee, Indian Territory, August 21, 1905.

Alexander Downing,

Hatchum, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 24, 1905, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 10, 1905.

Respectfully,

(SIGNED).

Tame Dixie
Commissioner.

LS

Copy

Muskogee, Indian Territory, August 21, 1905.

A. B. McRea,

Attorney for Alexander Downing,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 21, 1905, rejecting the application for the enrollment of Alexander Downing as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 10, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,-

SIGNED

Wm. D. Dwyer
Commissioner.

LS

Incl. S-102

COPY.

Muskogee, Indian Territory, August 14, 1905.

Wells, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 24, 1905, respecting the application for the enrollment of Alexander Downing as a Cherokee freeman, was affirmed by the Secretary of the Interior on August 10, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Is

Incl. S-103

Cherokee Freedmen
R-584

Muskegee, Indian Territory, May 28, 1906.

Alexander Downing,
Ketchum, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by
your attorneys September 7, 1906, for a review in your Cherokee
freedman enrollment case, was dismissed by the Department
May 2, 1906.

Respectfully,

Commissioner.

LMC

Muskogee, Indian Territory, May 28, 1906.

Blue & Bulger,

Attorneys for Eliza A. Arnold, et al.,

vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

MP

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

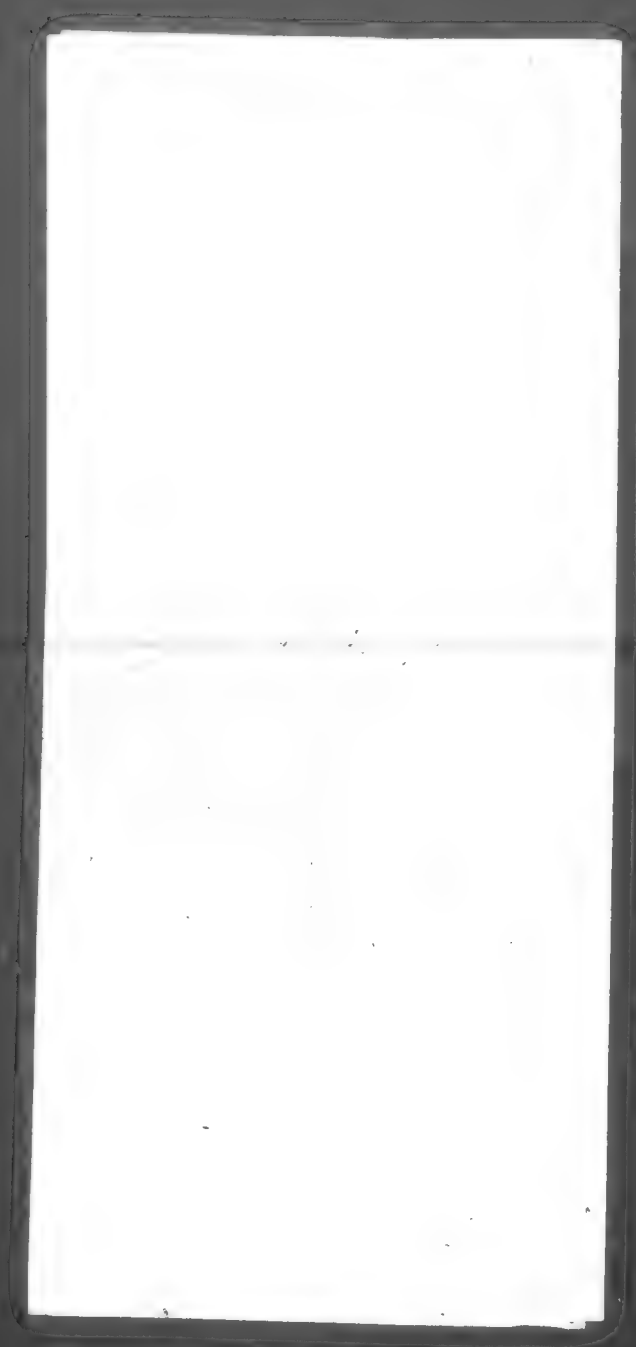
Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC



MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

JUN 11 1901

Date.....

Post Office.....

District.....

000WEE0000WEE, *Kel*

1. Name *Alexander, Leontine* Age *32*
 Owner's name Citizenship
 Year Page No. District

Parents:

Father *Leontine - dead* CitizenshipMother *Eddie* - dead Citizenship

Age

2. Name of wife

Owner's name

Year

Page

No.

District

Parents:

Father

Mother

Names of Children:

3.

Year Page No. Dist.

4.

Year Page No. Dist.

5.

Year Page No. Dist.

6.

Year Page No. Dist.

7.

Year Page No. Dist.

8.

Year Page No. Dist.

9.

Year Page No. Dist.

10.

Year Page No. Dist.

11.

Year Page No. Dist.

12.

Year Page No. Dist.

Application made by *M. T.*Stenographer *M. H. Green**A. S. McKee agent for applicants.*

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees; Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

J. H. H. COWLING,

Commissioner,

Indian Territory.

Attest.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 685

Trans from Cher. Fr. D. 669

Cher. Fr. R. 685

referred to in the above paragraph, and the results of the investigation are as follows:

A.G. 100, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

1380 roll of citizens of the Cherokee Nation
excluded and applicant not found there;
1391 census roll of citizens of the Cherokee Nation excluded
and applicant not found thereon;
1400 census roll of citizens of the Cherokee Nation
excluded and applicant not found thereon;
Wallace roll of citizens of the Cherokee Nation excluded and
applicant not found thereon.

your files: Thomas Downing applies for the enrollment of himself; he declares that he is a son of Alexander Downing, Sr., and a brother of Alexander Downing, Jr. Alexander, Jr. was listed for enrollment on card 668, and the testimony taken in the application of Alexander Downing will be added a part to the record in the case at bar, and a copy of the said record; said Thomas Downing having made satisfactory proof as to residence, he will be listed for enrollment as a Freedman on a detail card, awaiting further consideration of the Commission; he will be notified, by mail, of the action of the Commission when arrived at.

ED Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and, that the foregoing is a true and correct transcript of his stenographic notes to wit.

Subscribed and sworn to before me this June 19, 1901.

Commissioner.

File with C.R. D- 669, Thomas Downing.

Department of the Interior,
Commissioner of the Cherokee Nation,
Cherokee, I. T., I. T., June 11, 1901.

In the matter of the application of Alexander Downing for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, his testimony is as follows:

Appearances:

A.S. cRea, (colored) for applicant;

Dr. James Davenport, for the Cherokee Nation.

Q What is your name? A Alexander Downing.

Q How old are you? A 32.

Q What is your post-office address? A Hetchum.

Q What district do you live in? A Delaware.

Q Do you desire to be enrolled as a Cherokee Freedman? A Yes sir.

Q Do you desire to enroll besides yourself? A Just as, sir.

Q How many brothers?

Q Are they all older than you? A They are all younger than me.

Q Are they all of age? A Yes sir.

Q They must enroll themselves, are you married? A Yes sir.

Q Do you apply for your wife? A No sir, she has been enrolled.

Q Have you ever been recognized by the Cherokee authorities as a

Cherokee Freedman? A Not only to a certain extent.

Q Is your name on the roll of 1890? A No sir.

Q On any of the rolls? A Not that I know of.

Q Have you ever drawn money? A No sir.

Q Did you ever apply to the Cherokee authorities to be enrolled?

A Yes sir, my uncle have.

Q You were refused were you? A Yes sir.

Q Were you a slave? A No sir, I wasn't, my father was.

Q What was your father's name? A Alex Downing.

Q Is he living? A No sir, he is dead.

Q What was your mother's name? A Fdie.

Q Is she living? A No sir, they are both dead.

Q Was your father a slave? A Yes sir.

Q To whom did he belong? A I heard my uncle say he belonged to

Eliza Wright.

Q How long has your father been dead? A About 19 years.

Q How long has your mother been dead? A About the same.

Q Was she a slave? A Yes sir, she was a slave.

Examined by Attorney, A.S. McRea:

Q Where is the first recollection you have of yourself, where were

you? A I was living over here on Grand river, with my grand father.

Q Where is that, in the Cherokee Nation? A Yes sir.

Q Have you continuously lived in the Cherokee Nation ever since

you have had any recollection of yourself? A Yes sir.

Q Are you acquainted with Zebedee Downing, who is on the authentic-

ated roll of 1890? A Yes sir.

Q Is he any relation to you? A He is my uncle.

Q Did he have the care and custody of bringing you up, and your

other brothers and sisters? A Yes sir, he raised me from the time

of my father's death up until I became grown and married.

Q Why is it that none of yours or your brothers names are upon

the authentic roll do you know? A I can't tell hardly why it is

that they don't appear, he has always had some one make applications

for us for enrollment.

Q What relation was your father to Zebedee Downing, and Elias Down-

ing? A They were brothers.

Q Did they belong to the same owners, so far as you ever heard? A

(No reply.)

ELIAS DOWNING, being sworn and examined by Commissioner Needles

testified as follows:

Q What is your name? A Elias Downing.

Q What is your age? A 2558.

Alexander Downing?

Q What is your post-office address? A Chelsea.

Q Are you a recognized citizen of the Cherokee Nation, Creek?

A Yes sir.

Q Is your name on the roll?

A Yes, in the Cherokee Nation.

Q Are you acquainted with the applicant, Alexander Downing?

A Yes sir.

Q Is there any relation to you? A Yes sir, I am his brother.

Q Then is father Alexander Downing was? A Yes sir.

Q Is your brother?

Q I was an orphan, he belonged to the same family? A Yes sir.

Q Did you go out of the nation during the war? A Yes sir.

Q Where did you go to? A He went to Texas.

Q Did he ever return? A Yes sir, he returned.

Q Did you go out yourself? A Yes sir.

Q When did you return first, he or yourself? A I returned first.

Q What time did you return? A I returned about 1865.

Q Was he a man when he was taken out during the war, or a child?

A Yes sir, he was about 15 years old when he was taken out.

Q Did I understand you to say that he returned at the same time as yourself? A No sir.

Q What prevented his returning at the same time as yourself? A He

was slave down there, and he was working for his masters when I

left there.

Q When did you first see him in the Territory after the war? A It

was about thirty years, I don't know just what year when

I first saw him.

Q Did he have a family? A Yes sir, he had a family.

Q Did he live continuously in the Cherokee Nation after his re-

turn from Texas? A Yes sir, up till 1865.

Q Did he live and died in the Cherokee Nation? A Yes sir.

Q His relation was he a Cherokee Nation, or was he an orphan?

A He was an orphan, his father was dead.

Q Did he appear upon any of the rolls of the Cherokee Nation?

A No, he did not appear upon any of the rolls of the Cherokee Nation.

Q Is it possible that he was taken out of the Cherokee Nation?

A Yes, it is possible, it seems that through the will of some

there was some kind of mistake with my brother in giving in

the evidence, some kind of mistake, I don't know just what.

Q Now, Mr. Davenport:

Q You state in your testimony that you and Alexander Downing were

slaves and belonged to the same man? A Yes sir.

Q Who was that? A We first belonged to Eliza Wright.

Q Was she a Cherokee citizen? A Yes sir.

Q Well, who next? A She was a widow woman, and when we belonged to

her daughter, married a man named Sam Couch, that's who carried us

out of here.

Q Carried you into Texas? A Yes sir.

Q That was a slave state? A Yes sir.

Q Before the war? A After the war commenced, about '62 or '3.

Q He went to Texas himself? A Yes sir.

Q Took you with him? A Yes sir.

Q Lived out out down there? A No sir, I worked for him all the

time while I was down there.

Q Wasn't your brother, Alexander, sold? A No sir.

By Mr. Davenport:

Q Was that Sam Couch a resident of the State of Texas when the

war broke out? A He was living here in the Territory when the war

broke out.

Q Sam Couch is a brother of what they call Pete Couch, who is liv-

ing here in town now? A Yes sir.

Q You know the reason why you are not on the roll of 1830 don't

you? A Yes sir.

Q And that it is because Sam Couch didn't bring you back until '68?

A It is because they wouldn't put me on.

Q Didn't Sam Couch bring you back here? A No sir.

Q What did you come with? A Came by myself, with a drove of cattle.

Q Who did Alexander come with? A I don't remember.

Alexander Downing, Jr.

Q When did you come? A Yes sir.
Q When did you come back in '68? A Yes sir.
Q And you came back in '68? A Yes sir.
Q What time of the year in '68 did you come? A It was about
the summer and fall.
Q I don't know whether Sam Couch brought his father back or not.
A No, Sam Couch didn't bring him back, as I know of.
Q Did you come after or before Sam? A Well if I came in '68 I must
have come before.
Q Where were you living when Sam lived in the State of Texas? A I
was down there.
Q Where was this applicant's father and the applicant living
when Sam lived in the State of Texas? A They were living there
I suppose.
Q They were living in Texas? A Yes sir.
Q This applicant was born in Texas, isn't he? A Yes sir, I think
he was born there.

By Attorney A. S. McRea:

Q Your brother was a minor when he went to Texas, was he? A Yes sir.
Q And he went out sometime during '68 and '69? A Yes sir.

By Mr. Davenport:

Q He married in Texas? A Yes sir.
Q And this applicant here was born in Texas while he was living
there after he was married? A Yes sir.

By Con'r Needles:

Q How old was this child when Alexander Downing came back from
Texas to the Cherokee Nation? A I don't know just how old he was.
Q Alexander bring this child Alex with him? A Yes sir.
Q Did he bring his wife with him, his own wife? A Yes sir.
Q Did this applicant's wife come along? A No sir.
Q I mean the applicant's father's wife? A Yes sir.
Q Although he had married down there? A Yes sir, he had married
there.

JENNIE DOWNING, being sworn and examined by Con'r Needles,
testified as follows:

Q What is your name? A Jennie Downing.
Q What is your age? A 42.
Q What is your post-office address? A Ketchum.
Q In what district do you live? A Delaware.
Q Are you a recognized Freedman citizen of the Cherokee Nation?
A Yes sir.
Q Is your name on the authenticated roll of 1890? A Yes sir.

By Attorney A. S. McRea:

Q Are you acquainted with the applicant here, Alexander Downing, Jr?
A Yes sir.

Q How long have you known him? A Oh ever since a little bit of a
boy.

Q Were you acquainted with his father, Alexander Downing, Sr.? A
Yes sir.

Q Do you know when he returned from the State of Texas, after the
war? A No sir, I do not know just exactly when he returned.

Q Did you have the care and bringing up of these children also?
A Yes sir.

Q Are they the children of Alexander Downing and Edie Downing? A
Yes sir.

Q Are they any relation to your husband, Zebedee Downing, whose
name appears upon the authenticated roll of 1890? A He is their
uncle.

Q What relation is his father, Alexander Downing, to your husband
Zebedee Downing? A Full brothers.

Q Did the census enumerators ever come to your house during the
time you had the custody of these children? A No sir, their father
was living at that time.

Q Come to their father's house? A Yes sir.

Q You know why it is that none of their names appear upon the rolls

Alexander Downing

Q Did you know him? A I could not tell you, I don't know.
Q But you know that the census enumerators went to their houses?

A Yes sir.

Q About what time was that? A It was in 1880.

Q Now your recollection:

Q What relation did you say you bore to Alexander Downing?

A I was his son by marriage.

Q Was Alexander Downing, Sr., this applicant's father?

A Yes sir.

Q Who did he belong to? A He belonged to the Whites, I suppose, I was acquainted with his owners, but that's who he belonged to.

Q Was Alexander Downing, Sr., taken out of the Cherokee Nation during the war? A Yes sir.

Q Where to? A Texas.

Q Were you taken out? A Yes sir.

Q You don't know then when Alexander Downing, Sr., the father of the applicant, returned from Texas? A No sir.

Q What are the names of Alex Downing's children? A Alex Downing, Johnnie, Tommie Downing, Andrew and Solomon Downing.

Q Are they all living? A Yes sir.

Examined by Mr. Davenport:

Q You and your husband didn't go to the same place, during the war, that this man's father did? A No sir.

Mr. McRea:

Q You wasn't married at that time? A No sir.

Mr. Davenport:

Q Did your husband go to the same place where the applicant's father did? A I don't know.

Q He didn't return with him? A No sir.

Mr. McRea:

Q Do you know of your own knowledge that he didn't return with, - well that's all right, I won't ask that question.

Mr. Conr's Needles:

Q Did Alexander Downing live in the Cherokee Nation from the day of his return until his death? A Yes sir.

Q How many of these children were born in the State of Texas, any besides the applicant? A No sir.

Q Balance of the children were born here in the Cherokee Nation? A Yes sir.

Q Old man Alexander Downing married in Texas? A Yes sir.

Q Was his wife what is known as a state woman, or had she been a Cherokee slave? A She was a state woman.

ELIAS DOWNING, re-called, and further examined,

Mr. McRea:

Q Mr. Downing, did your brother go out during the war? A Yes sir.

Q Where did he go to? A I heard he went to Texas.

Q Did he return after the war? A Yes sir.

Q What year? A I found him here in '55.

Q You found him here in '55 when you returned? A Yes sir.

Q In the Cherokee Nation? A Yes sir.

Q At that point? A Delaware District.

Q Were there any children besides Marshall, Zebedes and Alexander?

A Any with him you mean?

A Yes, any other children of the family? A Oh yes sir, there was about ten of us children.

Q Was your father dead before the census roll of 1880 was taken?

A No sir, he has been dead about twelve or thirteen years, just before the Wallace court.

Q Does his name appear upon the authenticated roll of 1880? A Yes sir.

Mr. Conr's Needles:

Q You didn't go out with your father? A No sir.

Q You went south and your father went north? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Alexander Downing 5

1890 census roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Wallace pay roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Turn-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not found thereon.

APPLICANT, ALEXANDER DOWNING, re-called, and further examined, by Com'r Needles:

Q You never drew any money at all? A No, sir.

Q You have been living in the Cherokee Nation all your life? A All my life, so far as I can recollect.

Q Can you recollect being in Texas? A No, sir, when I first remember I was living over on Grand River, with grandpa, he and my father both.

Q What was your grandfather? A Reuben Downing.

Com'r Needles: Alexander Downing applies for the enrollment of himself; his name cannot be found nor can he be identified upon any of the rolls of the Cherokee Nation now in the possession of the commission; he avers that he is a son of Alexander Downing, Sr., by his wife, Edie, who was what is known as a state woman; the name of his father cannot be ~~xxx~~ found upon the authenticated roll of 1830; proof is ~~xxx~~ this his father was a slave, moved to the state of Texas, - was carried to the State of Texas, and returned in the year 1860; that the applicant was born in the state of Texas, and returned when he was a minor, ~~at~~ that his father was a minor when he was taken to the state of Texas during the war; satisfactory proof has been made as to the residence of the said Alexander Downing, and he will now be listed for enrollment, as a Cherokee Freedman upon a doubtful card, awaiting further consideration of the commission; he will be notified by mail of the action of the Commission, when arrived at.

T. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(signed) T. D. Green.

Subscribed and sworn to before me this June 19, 1901.

(signed) T. W. Needles,
Commissioner.

T. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original transcript.

T. D. Green

Subscribed and sworn to before me this September 17th, 1901.

C. R. Peekin

Commissioner.

Supl.C.F.-D.#669.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 12th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ALEXANDER DOWNING as a Cherokee freedman, introduced on part of
Cherokee Nation:

APPEARANCES:

A. S. McRea, Attorney for Applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

M. W. COUCH, being duly sworn, testified as follows on
part of Cherokee Nation:

MR. DAVENPORT: What is your name? A M. W. Couch.

Q What is your post office, Mr. Couch? A Chelsea.

Q How old are you? A 59.

Q How long have you lived in the Cherokee Nation? A About 33
years.

Q Where did you live prior to coming to the Cherokee Nation?
A Texas, Russ County.

Q Who was your wife before you married? A She was a Wright,
Mary Wright.

Q Did you while living in Texas know a family of colored people
by the name of Downing? A Yes, sir.

Q Did you know what the name of the father of the family was?
(No response.)

Q Did you know Alexander Downing? A Yes, sir.

Q Well, where was you living when you first got acquainted with him?
A In Texas.

Q When did you first see Alexander Downing and get acquainted with
him? A '63.

Q Where was he living at that time? A Russ County, Texas.

Q Well, when did you move from Texas to the Cherokee Nation? A '68

Q Where was Alexander Downing living when you moved from Texas to
the Cherokee Nation? A Living in Texas.

Q Do you know whether or not he lived in Texas from the time you
got acquainted with him up to the time you moved to the Cherokee Na-
tion? A Yes, sir, he lived there.

Q He lived near you or near your family? A Yes, sir, worked for
us part of the time.

Mr. McRea: Mr. Couch, you say you first learned to know Alex-
ander Downing in the year 1863, I believe? A Yes.

Q Where was that at? A Russ County, Texas.

Q You knew nothing of him before then? A No, I can't say that I
did. I might have seen him before.

Q You don't know to whom he belonged? A Belonged to Mary Wright
or Lucy Wright.

Q Do you know that or your own knowledge? A No, sir, I got that
from the family.

Q How long had he been living in Texas before you learned to know
him? A I don't know.

Q Don't know when he went to Texas? A No.

Q Were you acquainted with his father? A I saw his father after
I came back here.

Q His father was here? A Yes, sir.

Q Were you acquainted with any members of his family, that is, his
brothers or sisters? A Oh, yes.

Q Do you know Zebede? A Zebede, Alias.

Q When did you learn to know Zebede? A After the war, he stayed here; I knew Elias down there at the same time I knew Aleck.

Q Well, did you ever see him any more after you left Texas in 1868?

A Yes, sir, I saw him in Texas after I moved from there, but I never have seen him here.

Q Never have seen him in the Cherokee Nation? A No, sir.

Q How long did you remain here before going back to Texas after you arrived in 1868? A Went back in the spring of '69.

Q Saw him there then? A Saw him there then.

Q Are you acquainted with his family? A No, I can't say that I am; I knew his wife at that time.

Q He had no children had he? A If he had I don't remember, the

only way I remember Aleck in '69 is he broke horses for me and helped me about the cattle.

Q Do you know where Alexander Senior, I believe he is Senior, where was he in 1866? A I can't tell you; first I seen of him was after I moved to Pryor Creek and after I did saw Aleck and Elias.

Q You don't know where Alexander, Sr., was in 1866? A The old man, I don't know where he was; I never seen the old man as I know of after '68 after I moved back here.

Q Now, did I understand that you never saw the father of these children here in the Cherokee Nation in your life? A Not until after I come back; never seen him there or them either; if I saw Aleck I don't remember after I come back.

Commission: This testimony will be made part of the record in the following Cherokee Freedmen cases, #D.669, #L.670, #D.671, and #D.672.

---oooOooOoo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 16th, 1901.

[Handwritten signature]

Commissioner.

Cherokee

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Alexander Downing, et al., as Cherokee Freedmen, consolidating the
applications of--

Alexander Downing,	Cherokee Freedmen D-668,
Thomas Downing,	Cherokee Freedmen D-669,
John Downing,	Cherokee Freedmen D-670,
Andrew Downing,	Cherokee Freedmen D-671,
Solomon Downing,	Cherokee Freedmen D-672.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Alexander Downing for himself; by Thomas Downing for himself; by John Downing for himself; by Andrew Downing for himself, and by Solomon Downing for himself.

The evidence in this case shows that the applicants were born since 1866 and are the children of and claim their right to enrollment through their father, Alexander Downing; that Alexander Downing was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

It further appears that the names of none of the applicants appear on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Alexander Downing, Thomas Downing, John Downing, Andrew Downing and Solomon Downing as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1896, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

James L. Tate

Chairman.

SIGNED

T. B. Nease

Commissioner

C. R. Brockmeyer

SIGNED

Commissioner.

W. F. Stanley

SIGNED

Commissioner.

Muskegee, Indian Territory.

MAR 5 1904

THE FIVE G. C. S. FROM
COMMISSION TO THE FIVE G. C. S. ED. T. F.
1901

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Visita L. Oct 12 1901

Received of the Commission to the Five Civilized Tribes
"one copy of the testimony in the matter of the application of
Thomas Downing for enrollment as
Freedmen of the Cherokee Nation.

No.

72669

A S M Rea

Atty for applicant.

710669

D.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the
day of A. D. 190

Given under my hand this
day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
day of 190

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me
this

Notary Public.

~~DEPARTMENT OF THE INTERIOR~~
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 25 1901

NOTICE!

IN THE MATTER OF the application of Thomas Downing
for enrollment as Cherokee citizens:
Case No. D 669

To Thomas Downing or A. S. McRea, his Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 12th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

W. W. Jackson
Attorneys for the Cherokee Nation.

Cherokee Freedmen
D 669

Muskogee, Indian Territory, March 21, 1904.

Thomas Downing,

Catale, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Alexander Downing, et al., rejecting among others, your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-42

Registered.

Commissioner in Charge.

Cherokee Freedmen
D 668; D 669; D 670;
D 671; D 672

Muskogee, Indian Territory, March 21, 1904.

A. S. McRae,

Attorney for Alexander Downing, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Alexander Downing, et al., rejecting the applications for the enrollment of Alexander Downing, Thomas Downing, John Downing, Andrew Downing and Solomon Downing as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-46

Commissioner in Charge.

Registered.

Cherokee Freedmen
D 668; D 669; D
670; D 671 D 672

Muskogee, Indian Territory, March 21, 1904.

W. J. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Alexander Downing, et al., rejecting the applications for the enrollment of Alexander Downing, Thomas Downing, John Downing, Andrew Downing and Solomon Downing as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-47

Commissioner in Charge.

Cherokee Freedmen
D668; D669; D670;
D671; D672.

Muskogee, Indian Territory, Feb 22, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings
had in the consolidated case of Alexander Downing, et al., including
the Commissioner's decision dated March 5, 1904, respecting the appli-
cations for the enrollment of Alexander Downing, Thomas Downing,
John Downing, Andrew Downing, and Colored Downing as Cherokee freed-
men.

Respectfully,

W. L. R. R. R. R. R.

Encl. V-42

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

J. P.

FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

March 21, 1904

August 15, 1904.

TO THE HONORABLE FIVE CIVILIZED TRIBES,
Tulsa, Indian Territory.

Re: Decision:

March 21, 1904, you transmitted the record in the
case of the Cherokee Freedman case of Alexander Downing, et
al (7-258 et al), including our decision of March 21, 1904,
rejecting the application.

Reporting in the matter August 15, 1904, the Commissioner
of Indian Affairs recommends that your decision be approved.
A copy of his letter is enclosed.

The Department concurs in said recommendation and your
decision is hereby affirmed.

It appears that the wife of the applicant, Alexander
Downing, has been enrolled by your Commission. He states she
has been. You will therefore proceed to determine the ques-
tion of his rights as an intermarried Cherokee freedman.

Respectfully,

(Signed) Thos Ryan

Acting Secretary

1 inclosure.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Refer in reply
to the following :
Land.
20173-1904.

WASHINGTON.

August 16, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 21, 1904, transmitting the record of the consolidated application for enrollment as Cherokee freedmen, by Alexander Downing for himself; by Thomas Downing for himself; by John Downing for himself; by Andrew Downing for himself, and by Solomon Downing for himself.

March 5, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The record shows that all of the applicants were born since the year 1869, and claim title through their father, Alexander Downing, who was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the rebellion he left the Cherokee Nation and did not return on or before February 11, 1867. The names of the applicants are not identified on any rolls of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully ,

W. A. Jones

Commissioner

M.M.M.
W.

COPY.

Cherokee Freedmen
D 669

Muskogee, Indian Territory, October 4, 1904.

Thomas Downing,

Catale, Indian Territory.

Dear sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 19, 1904.

Respectfully,

Wm. F. Bixby.
Chairman.

COPY.

Cherokee Freedmen
D 668, et al.

Mustagee, Indian Territory, October 4, 1904.

A. E. McRea,

Attorney for Alexander Downing, et al.,

Mustagee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the applications for the enrollment of Alexander, Thomas, John, Andrew, and Solomon Downing as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 19, 1904.

Respectfully,

Jame Dixby.
Chairman.

COPY.

Cherokee Freedmen
D 668, et al.

Waskagee, Indian Territory, October 4, 1904.

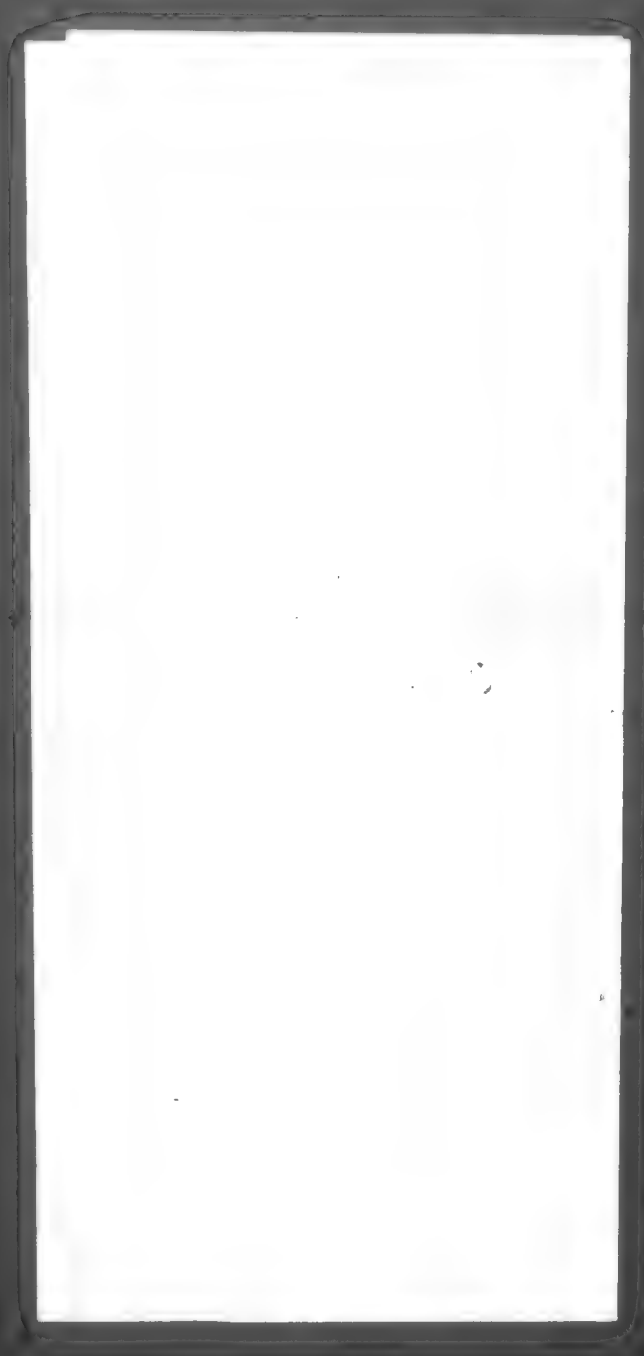
Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the applications for the enrollment of Alexander, Thomas, John, Andrew, and Solomon Downing as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 19, 1904.

Respectfully,

John F. Dixby.
Chairman.



MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

JUN 11 1901

Date

Post Office *Cata*

District COOWEESCOOWEE.

1. Name *Thomas Rowning* Age *25*

Owner's name

Year Page No. District

Parents:

Father *Alex Rowning - dead* CitizenshipMother *Edie* - dead Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father *Robert* CitizenshipMother *Edie* Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by *W.S.* Stenographer *W.D. Green**A. S. McRhea agent for applicant**X Ref D 668*

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 686

Trans. from Cher. F. D. 670

Cher. Fr. R. 686

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I.T., June 11, 1901.

Re: Application of John Downing for the enrollment of himself as a member of the Cherokee Nation; being sworn and examined by the undersigned, the testimony is as follows:

Appearances:

Mr. A.C. McKee, for applicant;
Mr. Jas. Davenport, for the Cherokee Nation.

- Q What is your name? A John Downing.
Q How old are you? A 27 years old.
Q What is your post-office address? A Winita.
Q What is your place of residence? A Delaware.
Q You are a married man? A Yes sir.
Q How long have you been married? A One year.
Q How long have you lived in Winita? A One year.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A I do not know sir.
Q Have you ever been recognized as a member of the Cherokee Nation? A No sir.
Q Have you ever drawn an allotment? A No sir.

1830 and 1831 roll of citizens of the Cherokee Nation examined and applicant not found;
1836 census roll of citizens of the Cherokee Nation examined and applicant not found;
Kern-Clift roll of citizens of the Cherokee Nation examined and applicant not found;
Wallace roll of citizens of the Cherokee Nation examined and applicant not found.

- Q Are you a brother of Alexander Downing? A Yes sir.
Q What was your father's name? A Alexander Downing, Sr.
Q Where were you born? A I was born in Delaware District.
Q Always lived in the Cherokee Nation? A Yes sir.

Don't Huddles: John Downing applies for the enrollment of himself; his name cannot be found upon any of the rolls of the Cherokee Nation; he avers that he is a son of Alexander Downing, Sr., and a brother of Alexander Downing, who has been listed for enrollment on D card 683, and the testimony taken on said case will be a part of the record in the case at bar, and a copy of the same will be filed herewith; he makes satisfactory proof of residence, consequently, John Downing will be admitted for enrollment as a citizen of the Cherokee Nation; he will be notified at his post-office address, by mail, of the decision of the Commission when arrived at.

M. J. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes.

Subscribed and sworn to before me this June 19, 1901.

[Signature]

Commissioner.

File with case of John Downing, C.F.-D.#670.

Supl.C.F.-D.#668.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 12th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ALEXANDER DOWNING as a Cherokee freedman, introduced on part of
Cherokee Nation:

APPEARANCES:

A. S. McRea, Attorney for Applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

M. W. COUCH, being duly sworn, testified as follows on
part of Cherokee Nation:

MR. DAVENPORT: What is your name? A M. W. Couch.

Q What is your post office, Mr. Couch? A Chelsea.

Q How old are you? A 59.

Q How long have you lived in the Cherokee Nation? A About 33
years.

Q Where did you live prior to coming to the Cherokee Nation?

A Texas, Russ County.

Q Who was your wife before you married? A She was a Wright,
Mary Wright.

Q Did you while living in Texas know a family of colored people
by the name of Downing? A Yes, sir.

Q Did you know what the name of the father of the family was?
(No response.)

Q Did you know Alexander Downing? A Yes, sir.

Q Well, where was you living when you first got acquainted with him?
A In Texas.

Q When did you first see Alexander Downing and get acquainted with
him? A '63.

Q Where was he living at that time? A Russ County, Texas.

Q Well, when did you move from Texas to the Cherokee Nation? A '68

Q Where was Alexander Downing living when you moved from Texas to
the Cherokee Nation? A Living in Texas.

Q Do you know whether or not he lived in Texas from the time you
got acquainted with him up to the time you moved to the Cherokee Na-
tion? A Yes, sir, he lived there.

Q He lived near you or near your family? A Yes, sir, worked for
us part of the time.

Mr. McRea: Mr. Couch, you say you first learned to know Alex-
ander Downing in the year 1863, I believe? A Yes.

Q Where was that at? A Russ County, Texas.

Q You knew nothing of him before then? A No, I can't say that I
did. I might have seen him before.

Q You don't know to whom he belonged? A Belonged to Mary Wright
or Lucy Wright.

Q Do you know that or your own knowledge? A No, sir, I got that
from the family.

Q How long had he been living in Texas before you learned to know
him? A I don't know.

Q Don't know when he went to Texas? A No.

Q Were you acquainted with his father? A I saw his father after
I came back here.

Q His father was here? A Yes, sir.

Q Were you acquainted with any members of his family, that is, his
brothers or sisters? A Oh, yes.

Q Do you know Zebede? A Zebede, Elias.

Q When did you learn to know Zebede? A After the war, he stayed here; I know Elias down there at the same time I knew Aleck.
Q Well, did you ever see him any more after you left Texas in 1868?
A Yes, sir, I saw him in Texas after I moved from there, but I never have seen him here.
Q Never have seen him in the Cherokee Nation? A No, sir.
Q How long did you remain here before going back to Texas after you arrived in 1868? A Went back in the spring of '69.
Q Saw him there then? A Saw him there then.
Q Are you acquainted with his family? A No, I can't say that I am; I knew his wife at that time.
Q He had no children had he? A If he had I don't remember, the only way I remember Aleck in '69 is he broke horses for me and helped me about the cattle.
Q Do you know where Alexander Senior, I believe he is Senior, where was he in 1866? A I can't tell you; first I seen of him was after I moved to Pryor Creek and after I did saw Aleck and Elias.
Q You don't know where Alexander, Sr., was in 1866? A The old man, I don't know where he was; I never seen the old man as I know of after '68 after I moved back here.
Q Now, did I understand that you never saw the father of these children here in the Cherokee Nation in your life? A Not until after I come back; never seen him there or them either; if I saw Aleck I don't remember after I come back.

Commission: This testimony will be made part of the record in the following Cherokee Freedmen cases, #D.669, #D.670, #D.671, and #D.672.

---000000000 ---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 16th, 1901.



Commissioner.

D- 670, John Downing.

Interrogated by
Commissioner Needles, at
Chicago, Ill., June 11, 1901.

I, the latter of an application of Alexander Downing for the enrollment of himself as a Cherokee Indian; being sworn and examined by Commissioner Needles, the statement follows:

Applicant says:

A. McRea, (Colorado State Police);
James Downing, (the son of Alexander Downing).
Q What is your name? A Alexander Downing.
Q How old are you? A 37.
Q What is your post-office address? A Yatche, Cherokee District, do you live in? A Delaware.
Q Do you desire to be enrolled as a Cherokee Indian? A Yes sir.
Q Do you desire to enroll besides yourself? A Yes sir, I have four brothers.
Q Are they all older than you? A They are all younger than me.
Q Are they all of age? A Yes sir.
Q They must enroll themselves, are you married? A Yes sir.
Q Do you apply for your wife? A No sir, she has been enrolled.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Indian? A Not only to a certain extent.
Q Is your name on the roll of 1890? A No sir.
Q On any of the rolls? A Not that I know of.
Q Have you ever drawn money? A No sir.
Q Have you ever applied to the Cherokee authorities to be enrolled? A Yes sir, my uncle has.
Q You were released were you? A Yes sir.
Q Were you a slave? A No sir, I wasn't, my father was.
Q What was your father's name? A Alex Downing.
Q Is he living? A No sir, he is dead.
Q What was your mother's name? A Fannie.
Q Is she living? A No sir, they are both dead.
Q Was your father a slave? A Yes sir.
Q Where did he belong? A I heard my uncle say he belonged to Elias Wright.

Q How long has your father been dead? A About 19 years.
Q How long has your mother been dead? A About the same.
Q Was she a slave? A Yes sir, she was a slave.
Examined by Attorney, A. C. McRea:
Q Where is the first recollection you have of yourself, when were you? A I was living over here on Grand river, with my father.
Q Where is that, in the Cherokee Nation? A Yes sir.
Q Have you continuously lived in the Cherokee Nation ever since you have had any recollection of yourself? A Yes sir.
Q Are you acquainted with Zebedee Downing, who is on the authenticated roll of 1890? A Yes sir.
Q Is he any relation to you? A He is my uncle.
Q Did he have the care and custody of bringing you up, and your other brothers and sisters? A Yes sir, he raised me from the time of my father's death up until I became grown and married.
Q Why is it that none of yours or your brothers names are upon the authenticated roll do you know? A I can't tell hardly why it is that they don't appear, he has always had some one make applications for us for enrollment.
Q What relation was your father to Zebedee Downing, and Elias Downing? A They were brothers.
Q Did they belong to the same family, so far as you ever heard? A (No reply.)

KLIAS DOWNING, being sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A Klias Downing.
Q What is your age? A 2130.

Alexander Downing:

Q He came aft' he was done? A Yes sir.
Q And he came back in '68? A Yes sir.
Q And he came sometime aft' that? A Yes sir.
Q At that time of the war in '68 did you come? A It was along through the summer and fall.
Q You don't know whether Sam Couch brought his father back or not? A No, Sam Couch didn't bring him back, as I know of.
Q Did you come after or before Sam? A Well if I came in '68 I must have come before.
Q Where were you living when Sam lived in the State of Texas? A I was down there.
Q Where was this applicant's father and the applicant living when Sam lived in the State of Texas? A They were living there I suppose.
Q They were living in Texas? A Yes sir.
Q This applicant was born in Texas, wasn't he? A Yes sir, I think he was born there.

By Attorney A. S. McRea:

Q Your brother was a minor when he went to Texas, was he? A Yessir.
Q And he went out sometime during '68 and '69? A Yes sir.
By Mr. Davenport:
Q He married in Texas? A Yes sir.
Q And this applicant here was born in Texas while he was living there aft' he was married? A Yes sir.

By Com'r Needles:

Q How old was this child when Alexander Downing came back from Texas to the Cherokee Nation? A I don't know just how old he was.
Q Alexander bring this child Alex with him? A Yes sir.
Q Did he bring his wife with him, his own wife? A Yes sir.
Q Did this applicant's wife come along? A No sir.
Q I mean the applicant's father's wife? A Yes sir.
Q Although he had married down there? A Yes sir, he had married there.

JENNIE DOWNING, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Jennie Downing.
Q What is your age? A 42.
Q What is your post-office address? A Ketchum.
Q In what district do you live? A Delaware.
Q Are you a recognized Freedman citizen of the Cherokee Nation? A Yes sir.
Q Is your name on the authenticated roll of 1880? A Yes sir.

By Attorney A. S. McRea:

Q Are you acquainted with the applicant here, Alexander Downing, Jr.? A Yes sir.
Q How long have you known him? A Oh ever since a little bit of a boy.
Q Were you acquainted with his father, Alexander Downing, Sr.? A Yes sir.
Q Do you know when he returned from the State of Texas, after the war? A No sir, I do not know just exactly when he returned.
Q Did you have the care and bringing up of these children also? A Yes sir.
Q Are they the children of Alexander Downing and Edie Downing? A Yes sir.
Q Are they any relation to your husband, Zebedee Downing, whose name appears upon the authenticated roll of 1880? A No is their uncle.
Q What relation is his father, Alexander Downing, to your husband Zebedee Downing? A Full brothers.
Q Did the census enumerators ever come to your house during the time you had the custody of these children? A No sir, their father was living at that time.
Q Did they ever come to your house? A Yes sir.

Alexander Downing:

Q of the Cherokee Nation? A I could not tell you, I don't know.
Q But you do know that the census enumerators went to their house?
A Yes sir.

Q About what time was that? A It was in 1880.

By Com'r Needles:

Q What relation did you say you are to Alexander Downing?

A I was his aunt by marriage.

Q Was Alexander Downing, Sr., this applicant's father, is he?

A Yes sir.

Q Who did he belong to? A He belonged to the Wrights, I suppose, I am acquainted with his owners, but that's who he belonged to.

Q Was Alexander Downing, Sr., taken out of the Cherokee Nation during the war? A Yes sir.

Q Where to? A Texas.

Q Were you taken out? A Yes sir.

Q You don't know then when Alexander Downing, Sr., the father of the applicant, returned from Texas? A No sir.

Q What are the names of Alex Downing's children? A Alex Downing, Johnnie, Tommie Downing, Andrew and Solomon Downing.

Q Are they all living? A Yes sir.

Examined by Mr. Davenport:

Q You and your husband didn't go to the same place, during the war, that this boy's father did? A No sir.

By Mr. McRea:

Q You wasn't married at that time? A No sir.

By Mr. Davenport:

Q Did your husband go to the same place where the applicant's father did? A I don't know.

Q He didn't return with him? A No sir.

By Mr. McRea:

Q Do you know of your own knowledge that he didn't return with, well that's all right, I won't ask that question.

By Com'r Needles:

Q Did Alexander Downing live in the Cherokee Nation from the day of his return until his death? A Yes sir.

Q How many of these children were born in the State of Texas, any besides the applicant? A No sir.

Q Balance of the children were born here in the Cherokee Nation? A Yes sir.

Q Old man Alexander Downing marry in Texas? A Yes sir.

Q Was his wife what is known as a state woman, or had she been a Cherokee slave? A She was a state woman.

ELIAS DOWNING, recalled, and further examined,

By Mr. McRea:

Q Mr. Downing, did your brother go out during the war? A Yes sir.

Q Where did he go to? A I heard he went to Texas.

Q Did he return after the war? A Yes sir.

Q What year? A I found him here in '68.

Q You found him here in '68 when you returned? A Yes sir.

Q In the Cherokee Nation? A Yes sir.

Q At what point? A Delaware District.

Q Were there any children besides Russell, Zebedes and Alexander?

A Any with him you mean?

A Yes, any other children of the family? A Oh yes sir, there was about ten of us children.

Q Was your father dead before the census roll of 1880 was taken?

A No sir, he has been dead about twelve or thirteen years, just before the Wallace court.

Q Does his name appear upon the authenticated roll of 1880? A Yes sir.

By Com'r Needles:

Q You didn't go out with your father? A No sir.

Q You went south and your father went north? A Yes sir.

Q You went south and your father went north? A Yes sir.
1880 authenticated roll of citizens of the Cherokee Nation
examined and applicant not identified the man.

Alexander Downing

1890 census roll of citizens of the Cherokee Nation examined and applicant not found therein.
Wallace pay roll of citizens of the Cherokee Nation examined and applicant not found therein.
Fern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not found therein.

APPLICANT, ALEXANDER DOWNING, re-called, and facts examined, by Com'r Needles:

Q You never drew any money at all? A No sir.
Q You have been living in the Cherokee Nation all your life? A All my life, so far as I can recollect.
Q Can you recollect being in Texas? A No sir, when I first remember I was living over on Grand River, with grandpa, and my father both.
Q Who was your grandfather? A Reuben Downing.

Com'r Needles: Alexander Downing applies for the enrollment of himself; his name cannot be found nor can he be identified upon any of the rolls of the Cherokee Nation now in the possession of the commission; he avers that he is a son of Alexander Downing, Sr., by his wife, Edie, who was white and known as a state woman; the name of his father cannot be ~~found~~ found upon the authenticated roll of 1880; proof is had that his father was a slave, moved to the state of Texas, was carried to the State of Texas, and returned in the year 1864; that the applicant was born in the state of Texas, and returned when he was a minor, and that his father was a minor when he was taken to the state of Texas during the war; satisfactory proof has been made as to the residence of the said Alexander Downing, and he will now be listed for enrollment as Cherokee Freedman upon a doubtful card, awaiting further consideration of the commission; he will be notified by mail of the action of the commission, when arrived at.

J. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(signed) J. D. Green.

Subscribed and sworn to before me this June 12, 1901.
(signed) T. M. Needles,
Commissioner.

J. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this September 12th, 1901.

C. R. Needles

Commissioner.

Chas. R.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Alexander Downing, et al., as Cherokee Freedmen, consolidating the
applications of--

Alexander Downing,	Cherokee Freedmen D-668,
Thomas Downing,	Cherokee Freedmen D-669,
John Downing,	Cherokee Freedmen D-670,
Andrew Downing,	Cherokee Freedmen D-671,
Solomon Downing,	Cherokee Freedmen D-672.

DECISION.

The record herein shows that applications for enrollment as
Cherokee freedmen were made to this Commission by Alexander
Downing for himself; by Thomas Downing for himself; by John
Downing for himself; by Andrew Downing for himself, and by Solomon
Downing for himself.

The evidence in this case shows that the applicants were born
since 1866 and are the children of and claim their right to enroll-
ment through their father, Alexander Downing; that Alexander
Downing was the slave of a Cherokee citizen at the commencement
of the rebellion; that during said rebellion he left the Cherokee
Nation and did not return thereto and establish a residence there-
in within the time specified in the decree of the Court of Claims
rendered on February 3, 1896, in the case of Moses Whitmire, trustee,
etc., vs. the Cherokee Nation, et al., for the return of Cherokee
freedmen to said Nation.

It further appears that the names of none of the applicants
appear on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the
applications for the enrollment of Alexander Downing, Thomas
Downing, John Downing, Andrew Downing and Solomon Downing as Chero-
kee freedmen should be denied, under the provisions of section
twenty-one of the act of Congress approved June 28, 1896, (20
stat., 495), and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

James Sharby.

Chairman.

(SIGNED)

T. R. Harding.

Commissioner

(SIGNED)

C. R. Breckinridge.

Commissioner.

(SIGNED)

W. E. Stanley.

Commissioner.

Muskogee, Indian Territory.

MAR 5 1901

7

ST. MICHAEL'S CATHEDRAL
ST. MICHAEL'S, N. S. W.
1871

1871

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Final S. I. Oct 12th 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
John Downing for enrollment as
Freemen of the Cherokee Nation.

No. S. I. 6th L

A. S. McLean
Atty. for applicant.

920 670

D

INDIAN TERRITORY.

CHEROKEE NATION.

I hereby certify that I served the within-

notice on

by the following agent, to-wit: on the

day of _____ A. D. 1901

Given under my hand and seal

this _____ day of _____ A. D. 1901

Marshal for the Cherokee Nation

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of _____, 1901.

Attorney for applicant

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I do solemnly swear that I delivered a true copy of the within notice to

on the _____ day of _____ A. D. 1901

Subscribed and sworn to before me this _____

Notary Public.

COMMISSIONED TO BE A NOTARY PUBLIC IN THE

FILED
SEP 25 1901

[Handwritten signature]
A. T. [unclear]

NOTICE!

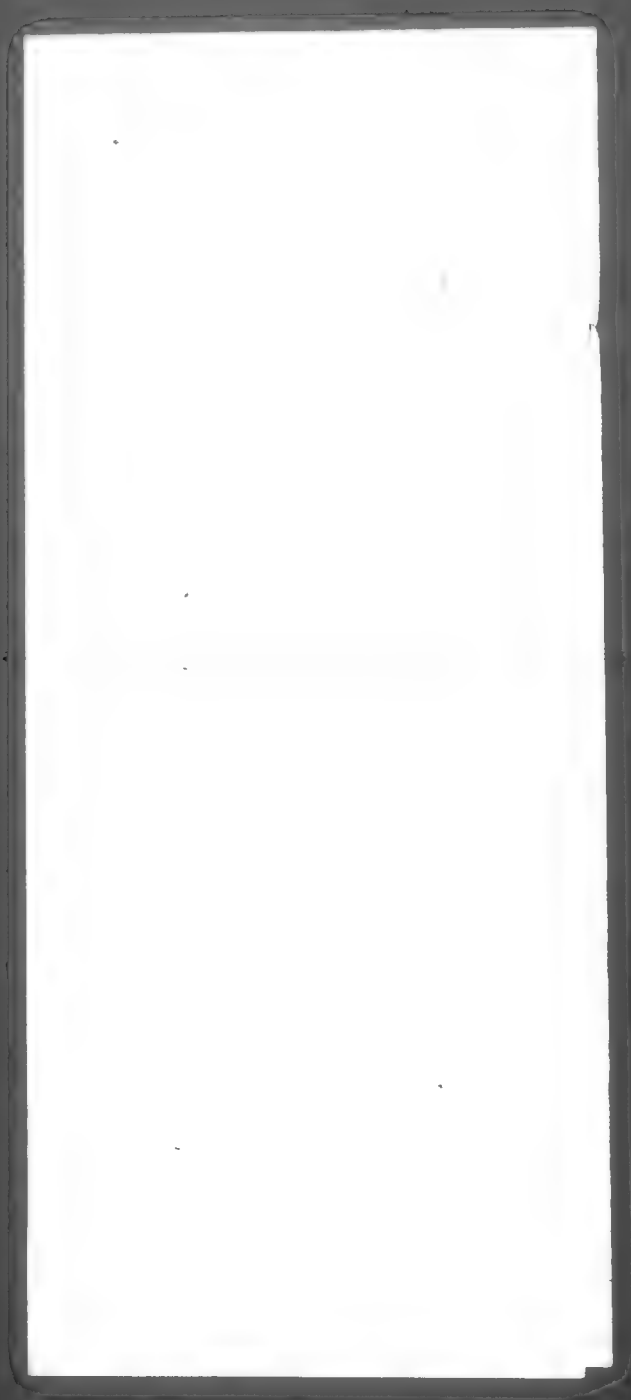
IN THE MATTER OF the application of John Downing
for enrollment as Cherokee citizens:
Case No. D 670

To John Downing or A. S. McRae his Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 21st 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

N. W. Hastings
Attorneys for the Cherokee Nation.



E. D. C. /^c

INDIAN TERRITORY
CHEROKEE NATION

Whereby certify that I served the within
notice on the

by delivering same to my clerk on the
day of _____ A. D. 1900

GIVEN under my hand this
day of _____ A. D. 1900

Marshal for the Cherokee Nation

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
day of _____, 1900.

Attorney for applicant

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

I do solemnly swear that I delivered a
true copy of the within notice to

on the _____ day of _____ A. D. 1900

Subscribed and sworn to before me
this _____

Notary Public.

NOTICE!

IN THE MATTER OF the application of Jeff Rote,
for enrollment as Cherokee Freedmen
Case No. 1 D 650

To be heard, or settled, in the office of the

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on April 3rd, 1907. at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb. 21, 1907.

L. B. Bell

M. M. Hastings

Attorneys for the Cherokee Nation.

Cherokee Freedmen
D 670

Muskogee, Indian Territory, March 21, 1904.

John Downing,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Alexander Downing, et al., rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-43

Commissioner in Charge.

Registered.

Cherokee Freedmen
D 668; D 669; D 670;
D 671; D 672

Muskogee, Indian Territory, March 21, 1904.

A. S. McRea,
Attorney for Alexander Downing, et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, in the consolidated case of Alexander Downing, et al., rejecting the applications for the enrollment of Alexander Downing, Thomas Downing, John Downing, Andrew Downing and Solomon Downing as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Encl. V-46

Registered.

Cherokee Freedmen
D 668; D 669; D
670; D 671 D 672

Muskogee, Indian Territory, March 21, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, in the consolidated case of Alexander Downing, et al., rejecting the applications for the enrollment of Alexander Downing, Thomas Downing, John Downing, Andrew Downing and Solomon Downing as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-47

Commissioner in Charge.

Cherokee Freedmen
D668, D669, D670;
D671, D672.

Muskogee, Indian Territory, March 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Alexander Downing, et al., including the Commission's decision dated March 5, 1904, rejecting the applications for the enrollment of Alexander Downing, Thomas Downing, John Downing, Andrew Downing and Solomon Downing as Cherokee freedmen.

Respectfully,

Encl. V-48

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Refer in reply
to the following : WASHINGTON.
Land.
20178-1904.

August 16, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 21, 1904, transmitting the record of the consolidated application for enrollment as Cherokee freedmen, by Alexander Downing for himself; by Thomas Downing for himself; by John Downing for himself; by Andrew Downing for himself, and by Solomon Downing for himself.

March 5, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The record shows that all of the applicants were born since the year 1869, and claim title through their father, Alexander Downing, who was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the rebellion he left the Cherokee Nation and did not return on or before February 11, 1869. The names of the applicants are not identified on any rolls of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

V. A. Jones

Commissioner

M.M.M.
V.

J. P.

FHE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 6546-1904

August 19, 1904.

L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 21, 1904, you transmitted the record in the consolidated Cherokee freedman case of Alexander Downing, et al (D-668 et al) , including your decision of March 5, 1904, rejecting the applicants.

Reporting in the matter August 16, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is enclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

It appears that the wife of the applicant, Alexander Downing has been enrolled by your Commission. He states she has been. You will therefore proceed to determine the question of his rights as an intermarried Cherokee freedman .

Respectfully,

(Signed) Thos Ryan

Acting Secretary

1 inclosure.

COPY.

Cherokee Freedmen
D 670

Muskogee, Indian Territory, October 4, 1904.

John Downing,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 19, 1904.

Respectfully,

Thomas D. Kirby,
Chairman.

COPY

Cherokee Freedmen
D 668, et al.

Muskogee, Indian Territory, October 4, 1904.

A. S. McRea,

Attorney for Alexander Downing, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the applications for the enrollment of Alexander, Thomas, John, Andrew, and Solomon Downing as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 19, 1904.

Respectfully,

Wm. James Dixby.
Chairman.

COPY:

Cherokee Freedmen
D 448, et al.

Waukegee, Indian Territory, October 4, 1904.

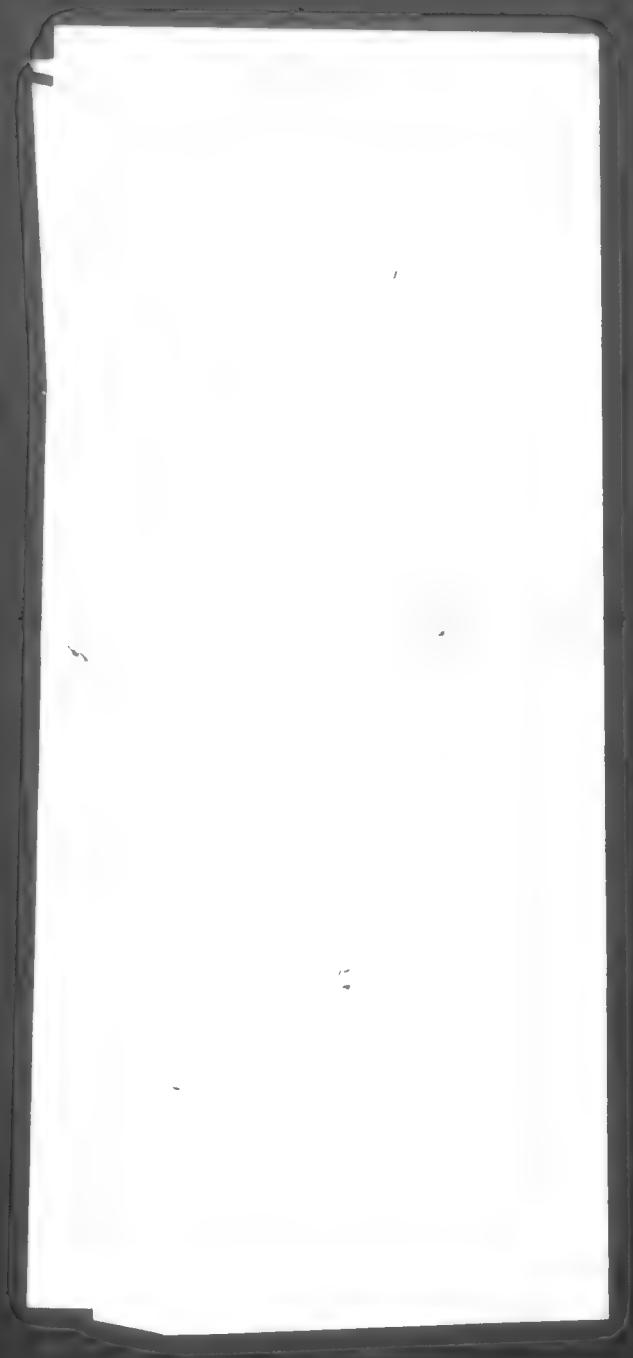
Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the applications for the enrollment of Alexander, Thomas, John, Andrew, and Solomon Downing as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 19, 1904.

Respectfully,

James Dixby.
Chairman.



MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 11 1901

Post Office

District

COWLEY

1. Name

Owner's name

Year

Page

No.

District

Age 27

Citizenship

Parents:

Father

Mother

Citizenship

Citizenship

Age

2. Name of wife

Owner's name

Year

Page

No.

District

Citizenship

Parents:

Father

Mother

Names of Children:

3.

Year Page No. Dist.

4.

Year Page No. Dist.

5.

Year Page No. Dist.

6.

Year Page No. Dist.

7.

Year Page No. Dist.

8.

Year Page No. Dist.

9.

Year Page No. Dist.

10.

Year Page No. Dist.

11.

Year Page No. Dist.

12.

Year Page No. Dist.

Application made by

Stenographer

Ms. 1
 X Ref D. 66 &
 A. S. McRhea, Agent for applicant.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

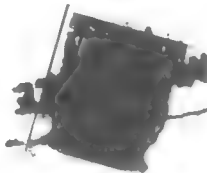
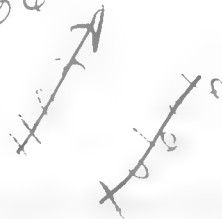
TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

~~436~~
436



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Return to Writer
UNCLAIMED.

REGISTERED

MAR 24

MUSKOGEE, IND. TER.

REGISTERED John Brown,

MAR 25 1904

VINITA, IND. TER.

Vinita, Indian Territory.

APR 26 1904

REGISTERED
MAR 25 1904
VINITA, IND. TER.



Cher. Fr. R. 687

Trans. from Cher. Fr. D. 671

Cher. Fr. R. 687

Supl. C. T. - D. #668.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
WINITA, I.T., OCTOBER 12th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ALEXANDER DOWNING as a Cherokee freedman, introduced on part of
Cherokee Nation:

APPEARANCES:

A. S. McRea, Attorney for Applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

M. W. COUCH, being duly sworn, testified as follows on
part of Cherokee Nation:

- MR. DAVENPORT: What is your name? A M. W. Couch.
- Q What is your post office, Mr. Couch? A Chelsea.
- Q How old are you? A 59.
- Q How long have you lived in the Cherokee Nation? A About 33 years.
- Q Where did you live prior to coming to the Cherokee Nation?
- A Texas, Russ County.
- Q Who was your wife before you married? A She was a Wright, Mary Wright.
- Q Did you while living in Texas know a family of colored people by the name of Downing? A Yes, sir.
- Q Did you know what the name of the father of the family was? (No response.)
- Q Did you know Alexander Downing? A Yes, sir.
- Q Well, where was you living when you first got acquainted with him?
- A In Texas.
- Q When did you first see Alexander Downing and get acquainted with him? A '63.
- Q Where was he living at that time? A Russ County, Texas.
- Q Well, when did you move from Texas to the Cherokee Nation? A '68
- Q Where was Alexander Downing living when you moved from Texas to the Cherokee Nation? A Living in Texas.
- Q Do you know whether or not he lived in Texas from the time you got acquainted with him up to the time you moved to the Cherokee Nation? A Yes, sir, he lived there.
- Q He lived near you or near your family? A Yes, sir, worked for us part of the time.
- Mr. McRea: Mr. Couch, you say you first learned to know Alexander Downing in the year 1863, I believe? A Yes.
- Q Where was that at? A Russ County, Texas.
- Q You knew nothing of him before then? A No, I can't say that I did. I might have seen him before.
- Q You don't know to whom he belonged? A Belonged to Mary Wright or Lucy Wright.
- Q Do you know that or your own knowledge? A No, sir, I got that from the family.
- Q How long had he been living in Texas before you learned to know him? A I don't know.
- Q Don't know when he went to Texas? A No.
- Q Were you acquainted with his father? A I saw his father after I came back here.
- Q His father was here? A Yes, sir.
- Q Were you acquainted with any members of his family, that is, his brothers or sisters? A Oh, yes.
- Q Do you know Zebede? A Zebede, Elias.

Q When did you learn to know Zebede? A After the war, he stayed here; I know Elias down there at the same time I knew Aleck.
Q Well, did you ever see him any more after you left Texas in 1868?
A Yes, sir, I saw him in Texas after I moved from there, but I never have seen him here.
Q Never have seen him in the Cherokee Nation? A No, sir.
Q How long did you remain here before going back to Texas after you arrived in 1868? A Went back in the spring of '69.
Q Saw him there then? A Saw him there then.
Q Are you acquainted with his family? A No, I can't say that I am; I knew his wife at that time.
Q He had no children had he? A If he had I don't remember, the only way I remember Aleck in '69 is he broke horses for me and helped me about the cattle.
Q Do you know where Alexander Senior, I believe he is Senior, where was he in 1866? A I can't tell you; first I seen of him was after I moved to Pryor Creek and after I did saw Aleck and Elias.
Q You don't know where Alexander, Sr., was in 1866? A The old man, I don't know where he was; I never seen the old man as I know of after '68 after I moved back here.
Q Now, did I understand that you never saw the father of these children here in the Cherokee Nation in your life? A Not until after I come back; never seen him there or them either; if I saw Aleck I don't remember after I come back.

Commission: This testimony will be made part of the record in the following Cherokee Freedmen cases, #D.669, #D.670, #D.671, and #D.672.

---oooOooOoo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 16th, 1901.



Commissioner.

Filed with C.R. D- 671, Andrew Downing.

Department of the Interior,
Commissioner of the General Land Office,
Cherokee, I. T., I. T., June 11, 1901.

In the matter of the application of Alexander Downing for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, his testimony is as follows:

Appearances:

A. J. Shea, (colored) for applicant;
Mr. James Davenport, for the Cherokee Nation.

- Q What is your name? A Alexander Downing.
Q How old are you? A 32.
Q What is your post-office address? A Vetchum.
Q What district do you live in? A Delaware.
Q Do you desire to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you desire to enroll besides yourself? A Just me, and I have four brothers.
Q Are they all older than you? A They are all younger than me.
Q Are they all of age? A Yes sir.
Q They must enroll themselves, are you married? A Yes sir.
Q Do you apply for your wife? A No sir, she has been enrolled.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Not only to a certain extent.
Q Is your name on the roll of 1890? A No sir.
Q On any of the rolls? A Not that I know of.
Q Ever draw any money? A No sir.
Q Did you ever apply to the Cherokee authorities to be enrolled? A Yes sir, my uncle have.
Q You were refused were you? A Yes sir.
Q Were you a slave? A No sir, I wasn't, my father was.
Q What was your father's name? A Alex Downing.
Q Is he living? A No sir, he is dead.
Q What was your mother's name? A Fdie.
Q Is she living? A No sir, they are both dead.
Q Was your father a slave? A Yes sir.
Q To whom did he belong? A I heard my uncle say he belonged to Eliza Wright.
Q How long has your father been dead? A About 19 years.
Q How long has your mother been dead? A About the same.
Q Was she a slave? A Yes sir, she was a slave.

Examined by Attorney, A. J. Shea:

- Q Where is the first recollection you have of yourself, where were you? A I was living over here on Grand river, with my father.
Q Where is that, in the Cherokee Nation? A Yes sir.
Q Have you continuously lived in the Cherokee Nation ever since you have had any recollection of yourself? A Yes sir.
Q Are you acquainted with Zebedee Downing, who is on the authenticated roll of 1890? A Yes sir.
Q Is he any relation to you? A He is my uncle.
Q Did he have the care and custody of bringing you up, and your other brothers and sisters? A Yes sir, he raised me from the time of my father's death up until I became grown and married.
Q Why is it that none of yours or your brothers names are upon the authenticated roll do you know? A I can't tell hardly why it is that they don't appear, he has always had some one make applications for us for enrollment.
Q What relation was your father to Zebedee Downing, and Elias Downing? A They were brothers.
Q Did they belong to the same owners, so far as you ever heard? A (No reply.)

ELIAS DOWNING, being sworn and examined by Commissioner Needles testified as follows:

- Q What is your name? A Elias Downing.
Q What is your name? A Elias Downing.

Alexander Downing 2

Q What is your post-office address? A Chelsea.

Q Are you a recognized citizen of the Cherokee Nation, President?

A Yes sir.

Q Is your name on the roll of 1830?

A Yes, Attorney A. G. Webb.

Q Are you acquainted with the applicant here, Alexander Downing?

A Yes sir.

Q Has he any relation to you? A Yes sir, I am his uncle.

Q Then his father Alexander Downing was a brother of yours? A Yes sir, own brother.

Q Did you and he belonged to the same owners? A Yes sir.

Q Did he go out of the nation during the war? A Yes sir.

Q Where did he go to? A He went to Texas.

Q Did he ever return? A Yes sir, he returned.

Q Did you go out yourself? A Yes sir.

Q Who returned first, he or yourself? A I returned first.

Q What time did you return? A I returned home in '60.

Q Was he a man when he was taken out during the war, your brother?

A Yes sir, he was about 15 years old when he was taken out.

Q Do I understand you to say that he returned at the same time as yourself? A No sir.

Q What prevented his returning at the same time as yourself? A He was a slave down there, and he was working for his owners when I left there.

Q When did you first see him in the Territory after the war? A It has been right about thirty years, I don't know just what year when I first saw him.

Q Did he have a family? A Yes sir, he had a family.

Q Did he live continuously in the Cherokee Nation after his return from Texas? A Yes sir, up till he died.

Q He lived and died in the Cherokee Nation? A Yes sir.

Q What relation was he to Zebodee Downing, who appears upon the authenticated roll of 1830? A Own brothers.

Q Can you state why it is that the name of your brother, Alexander Downing, does not appear upon any of the rolls of the Cherokee Nation? A Not exactly I can't; it seems that through the Wall court there was some kind of mistake made with my brother in giving in the evidence, some kind of mistake, I don't know just what.

By Conr. Needles:

Q You state in your testimony that you and Alexander Downing were slaves and belonged to the same man? A Yes sir.

Q Who was that? A We first belonged to Eliza Wright.

Q Was she a Cherokee citizen? A Yes sir.

Q Well, who next? A She was a widow woman, and then we belonged to her daughter, married a man named Sam Couch, that is who carried us out of here.

Q Carried you into Texas? A Yes sir.

Q That was a slave state? A Yes sir.

Q Before the war? A After the war commenced, about '62 or '3.

Q He went to Texas himself? A Yes sir.

Q Took you with him? A Yes sir.

Q Hired out out down there? A No sir, I worked for him all the time while I was down there.

Q Wasn't your brother, Alexander, sold? A No sir.

By Mr. Davenport:

Q Was that Sam Couch a resident of the State of Texas when the war broke out? A He was living here in the Territory when the war broke out.

Q Sam Couch is a brother of what they call Pate Couch, who is living here in town now? A Yes sir.

Q You know the reason why you are not on the roll of 1830 don't you? A Yes sir.

Q And that it is because Sam Couch didn't bring you back until '69?

A It is because they wouldn't put me on.

Q Didn't Sam Couch bring you back here? A No sir.

Q Who did you come with? A Came by myself, with a drove of cattle.

Q Who did Alexander come with? A I disremember.

Alexander Downing 3

Q He came aft' he'd come? A Yes sir.
Q And you came back in '63? Yes sir.
Q And he came sometime aft' that? A Yes sir.
Q What time of the year in '66 did you come? A It was along through the summer and fall.
Q You don't know whether Sam Couch brought his father back or not?
A No, Sam Couch didn't bring him back, as I know of.
Q Did you come after or before Sam? A Tell if I can in '66 I must have come before.
Q Where were you living when Sam lived in the State of Texas? A I was down there.
Q Where was this applicant's father and the applicant living when Sam lived in the State of Texas? A They were living there I suppose.
Q They were living in Texas? A Yes sir.
Q This applicant was born in Texas, isn't he? A Yes sir, I think he was born there.

By Attorney A. S. McRea:

Q Your brother was a minor when he went to Texas was he? A Yessir.
Q And he went out sometime during '57 and '58? A Yes sir.

By Mr. Davenport:

Q He married in Texas? A Yes sir.
Q And this applicant here was born in Texas while he was living there after he was married? Yes sir.

By Com'r Needles:

Q How old was this child when Alexander Downing came out from Texas to the Cherokee Nation? A I don't know just how old he was.
Q Alexander bring this child Alex with him? A Yes sir.
Q Did he bring his wife with him, his own wife? A Yes sir.
Q Did this applicant's wife come along? A No sir.
Q I mean the applicant's father's wife? A Yes sir.
Q Although he had married down there? A Yes sir, he had married there.

JENNIE DOWNING, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Jennie Downing.
Q What is your age? A 42.
Q What is your post-office address? A Ketchum.
Q In what district do you live? A Delaware.
Q Are you a recognized Freedman citizen of the Cherokee Nation?
A Yes sir.
Q Is your name on the authenticated roll of 1880? A Yes sir.

By Attorney A. S. McRea:

Q Are you acquainted with the applicant here, Alexander Downing, Jr?
A Yes sir.

Q How long have you known him? A Oh ever since a little bit of a

Q Were you acquainted with his father, Alexander Downing, Sr.? A Yes sir.

Q Do you know when he returned from the State of Texas, after the war? A No sir, I do not know just exactly when he returned.

Q Did you have the care and bringing up of these children also?
A Yes sir.

Q Are they the children of Alexander Downing and Edie Downing? A Yes sir.

Q Are they any relation to your husband, Zebedee Downing, whose name appears upon the authenticated roll of 1880? A He is their uncle.

Q What relation is his father, Alexander Downing, to your husband Zebedee Downing? A Full brothers.

Q Did the census enumerators ever come to your house during the time you had the custody of these children? A No sir, their father was living at that time.

Q Come to their father's house? A Yes sir.

Q You know why it is that none of their names appear upon the rolls

Alexander Downing:

Q Did you take notice of that? A I could not tell you, I don't know.
Q But you do know that the census enumerators went to their house?
A Yes sir.

Q About what time was that? A It was in 1880.

By Com'r Needles:

Q What relation did you say you are to Alexander Downing?

A I was his aunt by marriage.

Q Was Alexander Downing, Sr., this applicant's father, is it not?

A Yes sir.

Q Who did he belong to? A He belonged to the Wrights, I suppose, I ain't acquainted with his owners, but that's who he belonged to.

Q Was Alexander Downing, Sr., taken out of the Cherokee Nation during the war? A Yes sir.

Q Where to? A Texas.

Q Where you taken out? A Yes sir.

Q You don't know then when Alexander Downing, Sr., the father of the applicant, returned from Texas? A No sir.

Q What are the names of Alex Downing's children? A Alex Downing, Johnnie, Tommie Downing, Andrew and Solomon Downing.

Q Are they all living? A Yes sir.

Examined by Mr. Davenport:

Q You and your husband didn't go to the same place, during the war, that this boy's father did? A No sir.

By Mr. McRea:

Q You wasn't married at that time? A No sir.

By Mr. Davenport:

Q Did your husband go to the same place where the applicant's father did? A I don't know.

Q He didn't return with him? A No sir.

By Mr. McRea:

Q Do you know of your own knowledge that he didn't return with, - well that's all right, I want ask that question.

By Com'r Needles:

Q Did Alexander Downing live in the Cherokee Nation from the day of his return until his death? A Yes sir.

Q How many of these children were born in the State of Texas, any besides the applicant? A No sir.

Q Balance of the children were born here in the Cherokee Nation? A Yes sir.

Q Did man Alexander Downing marry in Texas? A Yes sir.

Q Was his wife what is known as a state woman, or had she been a Cherokee slave? A She was a state woman.

ELIAS DOWNING, re-called, and further examined,

By Mr. McRea:

Q Mr. Downing, did your brother go out during the war? A Yes sir.

Q Where did he go to? A I heard he went to Texas.

Q Did he return after the war? A Yes sir.

Q What year? A I found him here in '68.

Q You found him here in '68 when you returned? A Yes sir.

Q In the Cherokee Nation? A Yes sir.

Q At what point? A Delaware District.

Q Were there any children besides yourself, Zebedes and Alexander?

A Any with him you mean?

A Yes, any other children of the family? A Oh yes sir, there was about ten of us children.

Q Was your father dead before the census roll of 1880 was taken?

A No sir, he has been dead about twelve or thirteen years, just before the Wallace court.

Q Does his name appear upon the authenticated roll of 1880? A Yes sir.

By Com'r Needles:

Q You didn't go out with your father? A No sir.

Q You went south and your father went north? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified therein.

Alexander Downing 5

1890 census roll of citizens of the Cherokee Nation examined and applicant not found therein.

Wallace pay roll of citizens of the Cherokee Nation examined and applicant not found therein.

Bern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not found therein.

APPLICANT, ALEXANDER DOWNING, re-called, and put on examination, by Com'r Needles:

Q. You never drew any money at all? A. No, sir.

Q. You have been living in the Cherokee Nation all your life? A. All my life, so far as I can recollect.

Q. Can you recollect being in Texas? A. No, sir, when I first recollect I was living over on Grand River, with grandpa, he and my father both.

Q. Who was your grandfather? A. Reuben Downing.

Com'r Needles: Alexander Downing applies for the enrollment of himself; his name cannot be found nor can he be identified upon any of the rolls of the Cherokee Nation now in the possession of the Commission; he avers that he is a son of Alexander Downing, Sr., by his wife, Edie, who was what is known as a state woman; the name of his father cannot be found upon the authenticated roll of 1830; proof is adduced that his father was a slave, moved to the state of Texas, - was carried to the State of Texas, and returned in the year 1866; that the applicant was born in the state of Texas, and returned when he was a minor, and that his father was a minor when he was taken to the state of Texas during the war; satisfactory proof has been adduced as to the residence of the said Alexander Downing, and he will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, awaiting further consideration of the Commission; he will be notified by mail of the action of the Commission, when arrived at.

T.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(signed) T.D. Green.

Subscribed and sworn to before me this June 19, 1901.

(signed) T.N. Needles,
Commissioner.

T.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this September 17th, 1901.

C. R. Neekins

Commissioner.

Handwritten signature or initials

COMMISSION TO THE PUBLIC
FILED
JUN 19 1907

10-11-1961

[illegible]

Q Is that a brother of Alexander Manning's, Alex. Jr.
A Yes, that's the one that applied for passport this
morning. A Yes, sir.
Q Have you met my family? A No, sir.
Q What period? A No, sir.

Other matters: Andrew Downing applies for enrollment of himself; his name cannot be found upon any of the rolls of the Commission; the Commission now in the possession of the Commission; he makes satisfactory proof as to residence; he says that he is son of Alexander Downing, Sr., and a brother of Alexander Downing, Jr., who was this day listed for enrollment, D card 668, and a copy of the testimony in said case will be made a part of the record in the case at bar, and a copy thereof filed herewith; said Andrew Downing will now be eligible for enrollment as a General Recruit on a doubtful card, awaiting the further consideration of the Commission; he will be notified by mail of the decision of the Commission when arrived at.

M.D. Green, being cross-examined, states that as stated on the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes of the trial.

7. Section 1118 was to be in effect on June 19, 1961.

Wm. L. ...

Commissi oner.

C. W. H.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Alexander Downing, et al., as Cherokee Freedmen, consolidating the
applications of--

Alexander Downing,	Cherokee Freedmen D-668.
Thomas Downing,	Cherokee Freedmen D-669.
John Downing,	Cherokee Freedmen D-670.
Andrew Downing,	Cherokee Freedmen D-671.
Solomon Downing,	Cherokee Freedmen D-672.

DECISION.

The record herein shows that applications for enrollment as
Cherokee freedmen were made to this Commission by Alexander
Downing for himself; by Thomas Downing for himself; by John
Downing for himself; by Andrew Downing for himself, and by Solomon
Downing for himself.

The evidence in this case shows that the applicants were born
since 1866 and are the children of and claim their right to enroll-
ment through their father, Alexander Downing; that Alexander
Downing was the slave of a Cherokee citizen at the commencement
of the rebellion; that during said rebellion he left the Cherokee
Nation and did not return thereto and establish a residence there-
in within the time specified in the decree of the Court of Claims
rendered on February 3, 1896, in the case of Moses Whitmire, trustee,
etc., vs. the Cherokee Nation, et al., for the return of Cherokee
freedmen to said Nation.

It further appears that the names of none of the applicants
appear on the 1881 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the
applications for the enrollment of Alexander Downing, Thomas
Downing, John Downing, Andrew Downing and Solomon Downing as Chero-
kee freedmen should be denied, under the provisions of section
twenty-one of the act of Congress approved June 28, 1898, (30
Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED).

Chairman.

Commissioner

Commissioner.

Commissioner.

Muskogee, Indian Territory.

MAR 5 1901

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

12 1901

[Handwritten signature]

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Vienna, I. T. Oct 12th 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Andrew Downing for enrollment as
Freedmen of the Cherokee Nation.

No. F. 22, 671

A S McRea
Atty for applicant

320 671

D

INDIAN TERRITORY.

CHEROKEE NATION

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Mar-hal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of 190

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

S. S.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me

this

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CHEROKEE NATION

FILED

SEP 25 1901

NOTICE!

IN THE MATTER OF the application of Andrew Downing
for enrollment as Cherokee citizens:

Case No. D 671

To Andrew Downing or A. S. McRea his Atty.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 12th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept 21st 1901.

L B Bell
W. W. McRea
Attorneys for the Cherokee Nation.

Cherokee Freedmen
D 671

Muskogee, Indian Territory, March 21, 1904.

Andrew Downing,

Ketchum, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Alexander Downing, et al., rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-44

Commissioner in Charge.

Registered.

Cherokee Freedmen
D 668; D 669; D 670;
D 671; D 672

Muskogee, Indian Territory, March 21, 1904.

A. S. McRae,
Attorney for Alexander Downing, et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Alexander Downing, et al., rejecting the applications for the enrollment of Alexander Downing, Thomas Downing, John Downing, Andrew Downing and Solomon Downing as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-46

Registered.

Commissioner in Charge.

Cherokee Freedmen
D 668; D 669; D
670; D 671 D 672

Muskegee, Indian Territory, March 21, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, in the consolidated case of Alexander Downing, et al., rejecting the applications for the enrollment of Alexander Downing, Thomas Downing, John Downing, Andrew Downing and Solomon Downing as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-47

Commissioner in Charge.

2001.
Cherokee Freedmen
Dess, Dess, Dess,
Dess, Dess.

Muskogee, Indian Territory, March 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Alexander Downing, et al., including the Commission's decision dated March 5, 1904, rejecting the applications for the enrollment of Alexander Downing, Thomas Downing, John Downing, Andrew Downing and Solomon Downing as Cherokee freedmen.

Respectfully,

J. H. [Signature]
Commissioner in Charge.

Encl. V-48

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Refer in reply
to the following :
Land.
20178-1904.

WASHINGTON.

August 16, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 21, 1904, transmitting the record of the consolidated application for enrollment as Cherokee freedmen, by Alexander Downing for himself; by Thomas Downing for himself; by John Downing for himself; by Andrew Downing for himself, and by Solomon Downing for himself.

March 5, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The record shows that all of the applicants were born since the year 1869, and claim title through their father, Alexander Downing, who was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the rebellion he left the Cherokee Nation and did not return on or before February 11, 1867. The names of the applicants are not identified on any rolls of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully ,

W. A. Jones

Commissioner

M.M.M.

J. P.

FHE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 6546-1904

August 19, 1904.

L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 21, 1904, you transmitted the record in the consolidated Cherokee freedman case of Alexander Downing, et al (D-668 et al) , including your decision of March 5, 1904, rejecting the applicants.

Reportin, in the matter August 16, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is enclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

It appears that the wife of the applicant, Alexander Downing has been enrolled by your Commission. He states she has been. You will therefore proceed to determine the question of his rights as an intermarried Cherokee freedman .

Respectfully,

(Signed) Thos Ryan

Acting Secretary

1 inclosure.

COPY.

Cherokee Freedmen
D 671

Muskogee, Indian Territory, October 4, 1904.

Andrew Downing,

Ketchum, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 19, 1904.

Respectfully,

Wm. D. Tamm Dixby.
Chairman.

COPY

Cherokee Freedmen
D 648, et al.

Washkago, Indian Territory, October 4, 1904.

A. S. McKee,

Attorney for Alexander Downing, et al.,

Washkago, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 8, 1904, rejecting the applications for the enrollment of Alexander, Thomas, John, Andrew, and Solomon Downing as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 19, 1904.

Respectfully,

Tame Dixby.
Chairman.

COPY

Cherokee Freedmen
D 443, et al.

Muskegee, Indian Territory, October 4, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the applications for the enrollment of Alexander, Thomas, John, Andrew, and Solomon Downing as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 19, 1904..

Respectfully,

Wm. L. G. Doby,
Chairman.



CHEROKEE FREEDMEN.

JUN 11 1901

Post Office

District

~~COOWEESOOOWEE~~

1. Name

Owner's name

Year

Page

No.

District

Parents:

Father

Mother

2. Name of wife

Owner's name

Year

Parents:

Father

Mother

Names of Children:

3.

4.

5.

6.

7.

8.

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10.

11.

12.

Application made by

Year..... Page No. Dist.

Year..... Page..... No. Dist.

Year Page No. Dist.

Year Page..... No..... Dist.

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Yr..... Page..... No..... Dist.

887 Dist

Y... P... No. Dist.

Year 1960 Page 1 No. 1 Dist 1

Year Page No. Disc

...Stenographer

I S. H. C. Price agent for applicants

XRef 0668

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

By the Commission,

Witness my hand,

at Muskogee, Ind. Ter.,

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

11526 to
Return to
writer



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

RECORDED
MAR 24
MUSKOGEE, IND. TER.

Andrew Downing,

Ketchum, Indian Territory.

undelivered
the party not ~~known~~ here



Mr. Andrew Downing,

Ketchum, Indian Territory.

Returned
to Ruler

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

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2348

Trans. from Cher. Fr. D. 672

Cher. Fr. R. 688

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I.T., June 11, 1901.

In the latter of the application of Solomon Downing for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

A.S. McRea, Esq., for the applicant;
Mr. Jas. Davenport, for the Cherokee Nation.

- Q What is your name? A Solomon Downing.
Q How old are you? A 21.
Q What is your post-office address? A Catale.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Want to enroll anybody but yourself? A No sir.
Q Are you married? A No sir.
Q What is your father's name? A Alexander Downing.
Q Where were you born? A Delaware District.
Q You always lived in the Cherokee Nation? A Yes sir.
Q All your life? A Yes sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A No sir.
Q Never draw any money? A No sir.

Com'r: Rolls of the Cherokee Nation examined and name of applicant is not Solomon Downing now found thereon.

- Q Have you a brother named Alexander Downing, Jr.? A Yes sir.
Q Is he the Alexander Downing who was listed for enrollment this morning? A Yes sir.

Com'r Needles: Solomon Downing applies for the enrollment of himself, and makes satisfactory proof as to residence; his name cannot be found upon the rolls of the Cherokee Nation now in the possession of the Commission; he avers that he is a son of Alexander Downing Sr., and a brother of Alexander Downing, Jr., who has this day been listed for enrollment as a Cherokee Freedman on D card 668, and the testimony in said case will be made part of the record in the case at bar, and a copy thereof filed herewith; and said Solomon Downing will now be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting further consideration of the Commission; he will be notified by mail of the decision of the Commission when arrived at.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 20, 1901.


Commissioner.

File No. C. 1. D. 1672- Solomon Downing.

Department of the Interior,
Commissioner of Indian Affairs,
Washington, D. C., June 11, 1901.

In the matter of the application of Alexander Downing for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

A. S. O'Rea, (colored) for applicant;
Mr. James Davenport, for the Cherokee Nation.

Q What is your name? A Alexander Downing.
Q How old are you? A 33.
Q What is your post-office address? A Ketchikan.
Q What district do you live in? A Delaware.
Q Do you desire to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you desire to enroll besides yourself? A Just us, and I have four brothers.
Q Are they all older than you? A They are all younger than me.
Q Are they all of age? A Yes sir.
Q They must enroll themselves, are you married? A Yes sir.
Q Do you apply for your wife? A No sir, she has been enrolled.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Not only to a certain extent.
Q Is your name on the roll of 1890? A No sir.
Q On any of the rolls? A Not that I know of.
Q Ever drawn any money? A No sir.
Q Did you ever apply to the Cherokee authorities to be enrolled? A Yes sir, my uncle have.
Q You were refused were you? A Yes sir.
Q Were you a slave? A No sir, I wasn't, my father was.
Q What was your father's name? A Alex Downing.
Q Is he living? A No sir, he is dead.
Q What was your mother's name? A Fannie.
Q Is she living? A No sir, she is both dead.
Q Is your father a slave? A Yes sir.
Q To whom did he belong? A I heard my uncle say he belonged to Eliza Wright.

Q How long has your father been dead? A About 19 years.
Q How long has your mother been dead? A About the same.
Q Was she a slave? A Yes sir, she was a slave.

Examined by Attorney, A. S. O'Rea:

Q Where is the first recollection you have of your father, where were you? A I was living over there on Grand river, with my grand father.
Q Where is that, in the Cherokee Nation? A Yes sir.
Q Have you continuously lived in the Cherokee Nation ever since you have had any recollection of yourself? A Yes sir.
Q Are you acquainted with Zebedee Downing, who is on the authentic roll of 1890? A Yes sir.

Q Is he any relation to you? A He is my uncle.

Q Did he have the care and custody of bringing you up, and your other brothers and sisters? A Yes sir, he raised me from the time of my father's death up until I became grown and married.

Q Why is it that nine or more of your brothers and sisters are upon the authentic roll do you know? A I can't tell hardly why it is that they don't appear, he has always had some one make applications for us for enrollment.

Q What relation was your father to Zebedee Downing, and Eliza Downing? A They were brothers.

Q Did they belong to the same owner, so far as you ever heard? A (No reply.)

Eliza Downing, being sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A Eliza Downing.

Q What is your age? A 33.

Alexander Downing 2

Q What is your post-office address? A Chelsea.

Q Are you a recognized citizen of the Cherokee Nation, Cherokee?

A Yes sir.

Q Is your name on the roll of the Cherokee Nation?

A Yes, under A. J. McTeer.

Q Are you acquainted with the applicant here, Alexander Downing?

A Yes sir.

Q Is there any relation between you and Alexander Downing?

A Then his father Alexander Downing was a brother of mine, was his own brother.

Q Did you and he belonged to the same tribe? A Yes.

Q Did you get out of the nation during the war? A Yes.

Q Where did you go to? A He went to Texas.

Q Did he ever return? A Yes sir, he returned.

Q Did he go out yourself? A Yes sir.

Q When he returned first, he returned himself? A I returned first.

Q When did you return? A I returned in '68.

Q When did he return? A He returned during the war, was brother of mine.

A Yes sir, he was about 15 years old when he was taken out.

Q I understand you to say that he returned at the same time as yourself? A Yes sir.

Q Did he prevent his returning at the same time as yourself? A He

was slave down there, and he was working for his owners when I

was there.

Q When did you first see him in the Territory after the war? A It

was about right about thirty years, I don't know just what year when

I first saw him.

Q Did he have a family? A Yes sir, he had a family.

Q Did he live continuously in the Cherokee Nation after his re-

turn from Texas? A Yes sir, up till '68.

Q Did he live in the Cherokee Nation? A Yes sir.

Q What relation was he to George Downing, who was on the

roll of 1890? A Own brother.

Q Now, state if it is that the name of Alexander Downing

does not appear upon any of the rolls of the Cherokee Nation.

A Exactly I can't; it seems that through the will of court

there was some kind of mistake with my brother in living in

the evidence, some kind of mistake, I don't know just what it

is. San's Needles:

Q You state in your testimony that you and Alexander Downing were

slaves and belonged to the same man? A Yes sir.

Q Who was that? A We first belonged to Eliza Wright.

Q Was she a Cherokee citizen? A Yes sir.

Q Tell, who next? A She was a widow woman, and then we belonged to

her daughter, married a man named San Couch, that's who carried us

out of here.

Q Carried you into Texas? A Yes sir.

Q That was a slave state? A Yes sir.

Q Before the war? A After the war commenced, about '62 or '63.

Q He went to Texas himself? A Yes sir.

Q Took you with him? A Yes sir.

Q Hired out out down there? A No sir, I worked for him all the

time while I was down there.

Q Wasn't your brother, Alexander, sold? A No sir.

By Mr. Davenport:

Q Was that San Couch a resident of the State of Texas when the

war broke out? A He was living here in the Territory when the war

broke out.

Q San Couch is a brother of what they call Pate Couch, who is liv-

ing here in town now? A Yes sir.

Q You know the reason why you are not on the roll of 1890 don't

you? A Yes sir.

Q And that it is because San Couch didn't bring you back until '68?

A It is because they wouldn't put me on.

Q Didn't San Couch bring you back here? A No sir.

Q Who did you come with? A Come by myself, with a drove of cattle.

Q Who did Alexander come with? A I disremember.

Alexander Downing

Q Did you come after the war? A Yes sir.
Q And you came back in '30? A Yes sir.
Q And he came sometime after that? A Yes sir.
Q What time of the year in '30 did you come? A It was about
towards the summer and fall.
Q You don't know whether Sam Couch brought his father back or not?
A No, Sam Couch didn't bring him back, as I know of.
Q Did you come after or before Sam? A Well if I got in the I must
have come before.

Q Were you were you living when Sam lived in the State of Texas? A I
was down there.

Q There was this applicant's father and the applicant living
when Sam lived in the State of Texas? A They were living there
I suppose.

Q They were living in Texas? A Yes sir.
Q This applicant was born in Texas, isn't he? A Yes sir, I think
he was born there.

Q By Attorney A.S. McRea:
Q Your brother was a minor when he went to Texas, was he? A Yes sir.
Q And he went out sometime during '30 and '31? A Yes sir.

Q By Mr. Davenport:
Q Was he married in Texas? A Yes sir.
Q And this applicant here was born in Texas while he was living
there after he was married? A Yes sir.

Q By Com'r Needles:
Q How old was this child when Alexander Downing came back from
Texas to the Cherokee Nation? A I don't know just how old he was.
Q Alexander bring this child Alex with him? A Yes sir.
Q Did he bring his wife with him, his own wife? A Yes sir.
Q Did this applicant's wife come along? A No sir.
Q I mean the applicant's father's wife? A Yes sir.
Q Although he had married down there? A Yes sir, he was married
there.

JENNIE DOWNING, being sworn and examined by Com'r Needles,
testified as follows:

Q What is your name? A Jennie Downing.
Q What is your age? A 42.
Q What is your post-office address? A Ketchum.
Q In what district do you live? A Delaware.
Q Are you a recognized Freedman citizen of the Cherokee Nation?
A Yes sir.
Q Is your name on the authenticated roll of 1860? A Yes sir.

By Attorney A.S. McRea:
Q Are you acquainted with the applicant here, Alexander Downing, Jr?
A Yes sir.
Q How long have you known him? A Oh ever since a little bit of a
boy.
Q Were you acquainted with his father, Alexander Downing, Sr.? A
Yes sir.

Q Do you know when he returned from the State of Texas, after the
war? A No sir, I do not know just exactly when he returned.

Q Did you have the care and bringing up of these children also?
A Yes sir.

Q Are they the children of Alexander Downing and Edie Downing? A
Yes sir.

Q Are there any relation to your husband, Zebedee Downing, whose
name appears upon the authenticated roll of 1860? A He is their
uncle.

Q What relation is his father, Alexander Downing, to your husband
Zebedee Downing? A Full brothers.

Q Did the census enumerators ever come to your house during the
time you had the custody of these children? A No sir, their father
was living at that time.

Q Came to their father's house? A Yes sir.

Q You know why it is that none of their names appear upon the rolls.

Alexander Downing:

Q Did you know him? A I could not tell you, I don't know.

Q But you do know that the census takers went to their house?

A Yes sir.

Q About what time was that? A It was in 1890.

Q Now, Mr. Needles:

Q What relation did you say you are to Alexander Downing?

A I am his aunt by marriage.

Q Was Alexander Downing, Sr., this applicant's father, is it?

A Yes sir.

Q Did he belong to the Wrights, I suppose?

A He was acquainted with his owners, but that's all he belonged to.

Q Alexander Downing, Sr., taken out of the Cherokee Nation during the war? A Yes sir.

Q Where was he? A Texas.

Q Where was he taken out? A Yes sir.

Q Did you not know then when Alexander Downing, Sr., the father of the applicant, returned from Texas? A Yes sir.

Q What are the names of Alexander Downing's children? A Alex Downing, Johnnie, Tommie Downing, Andrew and Solomon Downing.

Q Are they all living? A Yes sir.

Examined by Mr. Davenport:

Q You and your husband didn't go to the same place, during the war, that this man's father did? A No sir.

Mr. McRea:

Q How wasn't married at that time? A No sir.

Mr. Davenport:

Q Did your husband go to the same place where the applicant's father did? A I don't know.

Q Did he not return with him? A No sir.

Mr. McRea:

Q Do you know of your own knowledge that he didn't return with, well that's all right, I won't ask that question.

Mr. Needles:

Q Did Alexander Downing live in the Cherokee Nation from the day of his return until his death? A Yes sir.

Q How many of these children were born in the State of Texas, any besides the applicant? A No sir.

Q Balance of the children were born here in the Cherokee Nation? A Yes sir.

Q Did you Alexander Downing marry in Texas? A Yes sir.

Q Was his wife what is known as a state woman, or had she been a Cherokee slave? A She was a state woman.

Q ELIAS DOWNING, re-called, and further examined,

Mr. McRea:

Q Mr. Downing, did your brother go out during the war? A Yes sir.

Q Where did he go to? A I heard he went to Texas.

Q Did he return after the war? A Yes sir.

Q What year? A I found him here in '66.

Q You found him here in '66 when you returned? A Yes sir.

Q In the Cherokee Nation? A Yes sir.

Q At that point? A Delaware District.

Q Were there any children besides Marshall, Zebedes and Alexander?

A Any with him you mean?

A Yes, any other children of the family? A Oh yes, sir, there was about ten of us children.

Q Was your father dead before the census roll of 1890 was taken?

A No sir, he has been dead about twelve or thirteen years, just before the Wallace court.

Q Does his name appear upon the authenticated roll of 1890? A Yes sir.

Mr. Needles:

Q You didn't go out with your father? A No sir.

Q You went south and your father went north? A Yes sir.

Q You went south and your father went north? A Yes sir. 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Alexander Downing 5

1896 census roll of citizens of the Cherokee Nation examined and applicant not found thereon.
Wallace pay roll of citizens of the Cherokee Nation examined and applicant not found thereon.
Wern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not found thereon.

APPLICANT, ALEXANDER DOWNING, re-called, and further examined, by Com'r Needles:

Q You never drew any money at all? A No, sir.

Q You have been living in the Cherokee Nation all your life? A All my life, so far as I can recollect.

Q Can you recollect being in Texas? A No, sir, when I first remember I was living over on Grand River, with gran pa, me and my father both.

Q Who was your grandfather? A Reuben Downing.

Com'r Needles: Alexander Downing applies for the enrollment of himself; his name cannot be found nor can he be identified upon any of the rolls of the Cherokee Nation now in the possession of the Commission; he avers that he is a son of Alexander Downing, Sr., by his wife, Edie, who was what is known as a state woman; the name of his father cannot be found upon the authenticated roll of 1830; proof is made this his father was a slave, moved to the state of Texas, - was carried to the State of Texas, and returned in the year 1866; that the applicant was born in the state of Texas, and returned when he was a minor, and that his father was a minor when he was taken to the state of Texas during the war; satisfactory proof has been made as to the residence of the said Alexander Downing, and he will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, awaiting further consideration of the Commission; he will be notified by mail of the action of the Commission, when arrived at.

L.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) L.D. Green.

Subscribed and sworn to before me this June 19, 1901.

(signed) T.N. Needles,
Commissioner.

L.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this September 17th, 1901.

C. A. Buckinridge

Commissioner.

Encl.C.F.-D.#668.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 12th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ALEXANDER DOWNING as a Cherokee freedman, introduced on part of
Cherokee Nation:

APPEARANCES:

A. S. McRea, Attorney for Applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

M. W. COUCH, being duly sworn, testified as follows on
part of Cherokee Nation:

- MR. DAVENPORT: What is your name? A M. W. Couch.
Q What is your post office, Mr. Couch? A Chelsea.
Q How old are you? A 59.
Q How long have you lived in the Cherokee Nation? A About 33
years.
Q Where did you live prior to coming to the Cherokee Nation?
A Texas, Russ County.
Q Who was your wife before you married? A She was a Wright,
Mary Wright.
Q Did you while living in Texas know a family of colored people
by the name of Downing? A Yes, sir.
Q Did you know what the name of the father of the family was?
(No response.)
Q Did you know Alexander Downing? A Yes, sir.
Q Well, where was you living when you first got acquainted with him?
A In Texas.
Q When did you first see Alexander Downing and get acquainted with
him? A '63.
Q Where was he living at that time? A Russ County, Texas.
Q Well, when did you move from Texas to the Cherokee Nation? A '68
Q Where was Alexander Downing living when you moved from Texas to
the Cherokee Nation? A Living in Texas.
Q Do you know whether or not he lived in Texas from the time you
got acquainted with him up to the time you moved to the Cherokee Na-
tion? A Yes, sir, he lived there.
Q He lived near you or near your family? A Yes, sir, worked for
us part of the time.
Mr. McRea: Mr. Couch, you say you first learned to know Alex-
ander Downing in the year 1863, I believe? A Yes.
Q Where was that at? A Russ County, Texas.
Q You knew nothing of him before then? A No, I can't say that I
did. I might have seen him before.
Q You don't know to whom he belonged? A Belonged to Mary Wright
or Lucy Wright.
Q Do you know that or your own knowledge? A No, sir, I got that
from the family.
Q How long had he been living in Texas before you learned to know
him? A I don't know.
Q Don't know when he went to Texas? A No.
Q Were you acquainted with his father? A I saw his father after
I came back here.
Q His father was here? A Yes, sir.
Q Were you acquainted with any members of his family, that is, his
brothers or sisters? A Oh, yes.
Q Do you know Zebede? A Zebede, Elias.

Q When did you learn to know Zebedee? A After the war, he stayed here; I knew Elias down there at the same time I knew Aleck.

Q Well, did you ever see him any more after you left Texas in 1868?

A Yes, sir, I saw him in Texas after I moved from there, but I never have seen him here.

Q Never have seen him in the Cherokee Nation? A No, sir.

Q How long did you remain here before going back to Texas after you arrived in 1868? A Went back in the spring of '69.

Q Saw him there then? A Saw him there then.

Q Are you acquainted with his family? A No, I can't say that I am; I knew his wife at that time.

Q He had no children had he? A If he had I don't remember, the only way I remember Aleck in '69 is he broke horses for me and helped me about the cattle.

Q Do you know where Alexander Senior, I believe he is Senior, where was he in 1866? A I can't tell you; first I seen of him was after I moved to Pryor Creek and after I did saw Aleck and Elias.

Q You don't know where Alexander, Sr., was in 1866? A The old man, I don't know where he was; I never seen the old man as I know of after '68 after I moved back here.

Q Now, did I understand that you never saw the father of these children here in the Cherokee Nation in your life? A Not until after I come back; never seen him there or them either; if I saw Aleck I don't remember after I come back.

Commission: This testimony will be made part of the record in the following Cherokee Freedmen cases, #D.669, #D.670, #D.671, and #D.672.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 16th, 1901.


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHM:R

In the matter of the application for the enrollment of Alexander Downing, et al., as Cherokee Freedmen, consolidating the applications of

Alexander Downing, Cherokee Freedmen B-668,
Thomas Downing, Cherokee Freedmen B-669,
John Downing, Cherokee Freedmen B-670,
Andrew Downing, Cherokee Freedmen B-671,
Solomon Downing, Cherokee Freedmen B-672.

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Alexander Downing for himself; by Thomas Downing for himself; by John Downing for himself; by Andrew Downing for himself, and by Solomon Downing for himself.

The evidence in this case shows that the applicants were born since 1866 and are the children of and claim their right to enrollment through their father, Alexander Downing; that Alexander Downing was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

It further appears that the names of none of the applicants appear on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Alexander Downing, Thomas Downing, John Downing, Andrew Downing and Solomon Downing as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 26, 1896, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Dixey, Chairman.

- " T. B. Needles, Commissioner.
- " C. R. Breckinridge, Commissioner.
- " W. E. Stanley, Commissioner.

Muskegee, Indian Territory,

MAR 5 1904

1874

ENTERED THE INTERIOR.
THE FIVE CIVILIZED TRIBES
1874
1901

[Handwritten signature]

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Visita I. I. Oct 12th 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Solomon Downing for enrollment as
Freedmen of the Cherokee Nation.

A. S. McRea
Atty for applicant.

No. 7. H. 1652

FD 672

D.

INDIAN TERRITORY.

CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this
day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
day of 190

Attorney for applicant

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me
this

Notary Public.

COMM. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

SEP 25 1901

ACTING CLERK

NOTICE!

IN THE MATTER OF the application of Solomon Downing
for enrollment as Cherokee citizens:
Case No. D 672

To Solomon Downing or A. S. McRea his Atty.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 18th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

L B Bell
W. W. Hastings
Attorneys for the Cherokee Nation.

Cherokee Freedman
D 672

Muskogee, Indian Territory, March 21, 1904.

Solomon Downing,

Catale, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Alexander Downing, et al., rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

G. R. Breakinridge

Commissioner in Charge.

Encl. V-45

Registered.

Cherokee Freedmen
D 668, D 669, D 670;
D 671, D 672

Muskogee, Indian Territory, March 21, 1904.

A. S. McRae,

Attorney for Alexander Downing, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, in the consolidated case of Alexander Downing, et al., rejecting the applications for the enrollment of Alexander Downing, Thomas Downing, John Downing, Andrew Downing and Solomon Downing as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Breckinridge

Commissioner in Charge.

Encl. V-46

Registered.

COPY.

Cherokee Freedmen
D 648; D 649; D
670; D 671 D 672

Muskogee, Indian Territory, March 21, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Alexander Downing, et al., rejecting the applications for the enrollment of Alexander Downing, Thomas Downing, John Downing, Andrew Downing and Solomon Downing as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

O. E. Brodyinridge

Commissioner in Charge.

Encl. V-47

Cherokee Freedmen
D668, D669, D670,
D671, D672.

Muskogee, Indian Territory, March 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Alexander Downing, et al., including the Commission's decision dated March 5, 1904, rejecting the applications for the enrollment of Alexander Downing, Thomas Downing, John Downing, Andrew Downing and Solomon Downing as Cherokee freedmen.

Respectfully,

Encl. V-48

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Refer in reply
to the following :
Land.
20178-1904.

WASHINGTON.

August 16, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 21, 1904, transmitting the record of the consolidated application for enrollment as Cherokee freedmen, by Alexander Downing for himself; by Thomas Downing for himself; by John Downing for himself; by Andrew Downing for himself, and by Solomon Downing for himself.

March 5, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The record shows that all of the applicants were born since the year 1869, and claim title through their father, Alexander Downing, who was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the rebellion he left the Cherokee Nation and did not return on or before February 11, 1867. The names of the applicants are not identified on any rolls of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully ,

W. A. Jones

H.M.M.
V.

Commissioner

J. P.

THE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 6546-1904

August 19, 1904.

L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 21, 1904, you transmitted the record in the consolidated Cherokee freedman case of Alexander Downing, et al (D-668 et al) , including your decision of March 5, 1904, rejecting the applicants.

Reporting in the matter August 16, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is enclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

It appears that the wife of the applicant, Alexander Downing has been enrolled by your Commission. He states she has been. You will therefore proceed to determine the question of his rights as an intermarried Cherokee freedman .

Respectfully,

(Signed) Thos Ryan

1 inclosure.

Acting Secretary

COPY.

Cherokee Freedmen
D 672

Muskogee, Indian Territory, October 4, 1904.

Solomon Downing,

Catale, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 19, 1904.

Respectfully,

Tamc Birby.
Chairman.

COPY.

Cherokee Freedmen
D 668, et al.

Muskogee, Indian Territory, October 4, 1904.

A. S. McRea,
Attorney for Alexander Downing, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the applications for the enrollment of Alexander, Thomas, John, Andrew, and Solomon Downing as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 19, 1904.

Respectfully,

JAMES BIRBY.
Chairman.

Cherokee Freedmen
D 663, et al.

Mankegee, Indian Territory, October 4, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the applications for the enrollment of Alexander, Thomas, John, Andrew, and Solomon Downing as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 19, 1904.

Respectfully,

John D. Smith,
Chairman.

COPY.

Muskogee, Indian Territory, December 6, 1904.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Departmental letter of September 10, 1904, (ITD 7144-1904), there is herewith transmitted argument of the Attorneys for the Cherokee Nation, in the case of Florence Bratcher, et al., (Cherokee Freedmen D-795 and 672). No reply on behalf of the applicants has been filed with the Commission.

Respectfully,

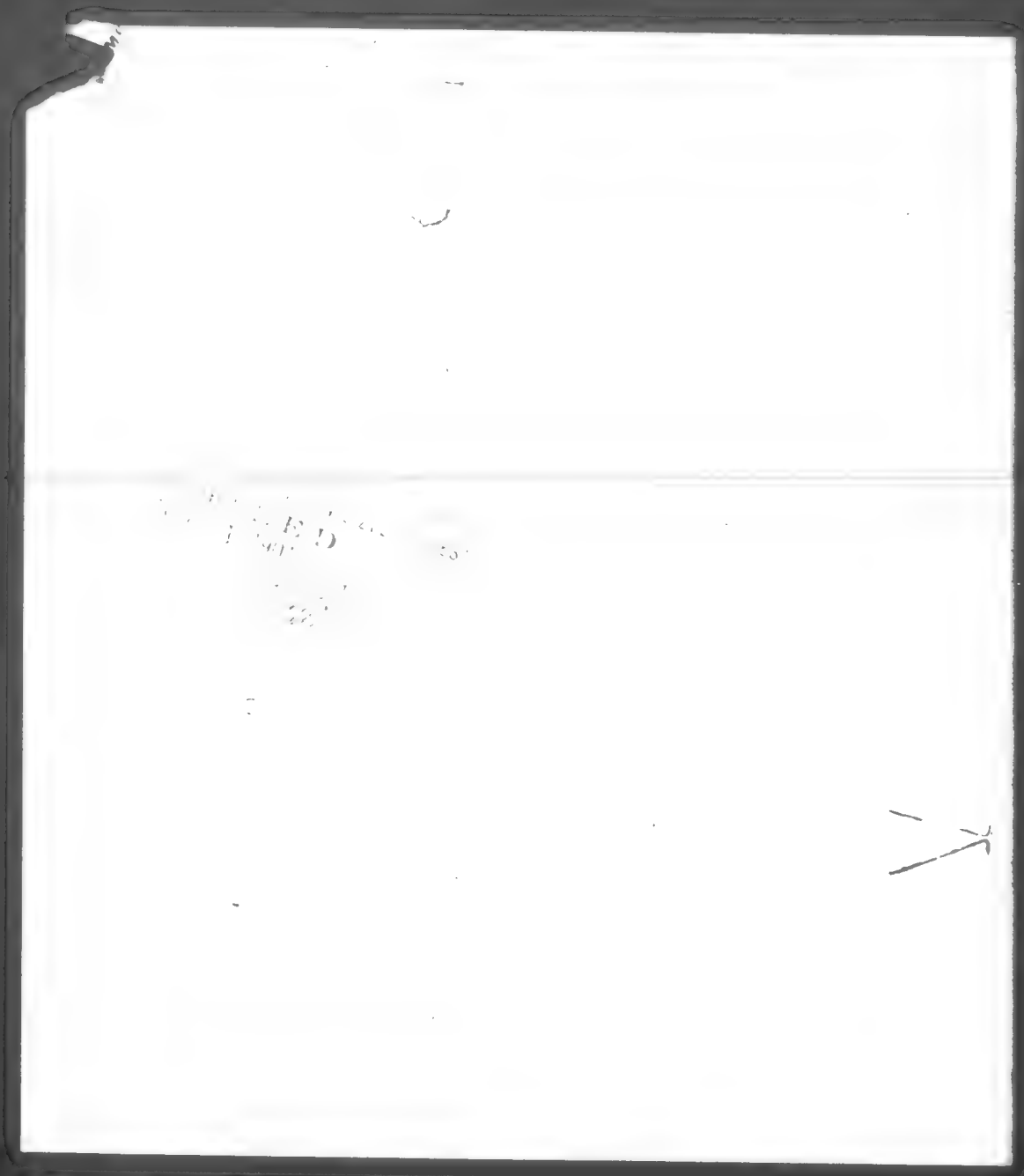
SIGNED

Tams Dixey.
Chairman.

Through the

Commissioner of Indian Affairs.

Encl. OG-5.



MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Jul. 11 1901

Post Office Latato S. T.

District COOWEESCOOWEE.

1. Name James Rowing Age 21
 Owner's name _____
 Year _____ Page _____ No. _____ District _____
 Citizenship _____

Parents:
 Father Ally Rowing - dead Citizenship _____
 Mother Edie - dead Citizenship _____
 Age _____

2. Name of wife _____
 Owner's name _____
 Year _____ Page _____ No. _____ District _____
 Citizenship _____

Parents:
 Father _____ Citizenship _____
 Mother _____ Citizenship _____

Names of Children: _____

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by M. I. Stenographer M. O. Green

A. S. McKee Agent for applicant

X Ref D66

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 689

Trans. from Cher. Fr. D. 688

Cher. Fr. R. 689

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 14, 1901.

In the matter of the application of Martha Ann Downing for the enrollment of herself, her husband, Alexander Downing, and her six children as Cherokee Freedmen; she being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Martha Ann Downing.
Q Who is it you want to have enrolled? A Myself, husband and six children.
Q How old are you? A 31.
Q What is your postoffice? A Ketchum.
Q In what district do you live? A Be aware.
Q How long have you lived in the Cherokee Nation? A All my days.
Q Have you always been recognized as a Freedman of the Cherokee Nation? A Yes sir.
Q Give me the name of your father. A Lewis Rowe.
Q Is he alive? A No sir.
Q How long has he been dead? A I couldn't just tell you; my brother told you just now; I couldn't tell you; he died last year.
Q Give me the name of your mother. A Chimney Rowe.
Q Is she dead? A Yes sir.
Q How long has she been dead? A One year in March.
Q Give me the name of your husband. A Alexander Downing.
Q How old is your husband? A I don't know, sir.
Q As near as you can come, is he older than you? A Yes sir.
Q Is he much older? A Yes sir.
Q Is he as much as 45? A I guess he is about 38 maybe.
Q How long has he lived in the Cherokee Nation? A All of his days.
Q Has he always been a recognized citizen of the Cherokee Nation? A No sir.
Q Was he ~~admitted~~ in the Cherokee Nation before the war? A No sir, I don't think he was.
Q He is a state man, wasn't he? A No sir.
Q Was he a slave before the war? A No sir, Alex wasn't a slave.
Q Where did he live before the war? A I don't know sir; he has been born since the war.
Q He is not old enough to have been a slave? A No sir.
Q Give me the name of his father. A Alex Downing, Reuben Downing's son.
Q Is your husband's father dead? A Yes sir.
Q How long has he been dead? A Well, I don't know; my husband was raised up an orphan.
Q He has been dead a long time? A Yes sir.
Q Give me the name of your husband's mother. A I don't.

Thomas H. Moore, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name. A Thomas H. Moore.
Q How old are you? A Fifty years old.
Q How long have you lived in the Cherokee Nation? A I have been here all the time since '65.
Q This applicant here is your sister? A Yes sir.
Q Do you know her husband? A Yes sir.
Q What is his name? A Alexander Downing.
Q Do you know his mother? A Slightly.
Q What is her name? A Phoebe Downing.
Q Is Phoebe alive? A No sir.
Q How long has she been dead? A She has been dead - I don't know, Alex was a little boy.
Q Who brought Alex up? A Zebedee Downing raised him.
Q Is Zebedee Downing alive? A Yes sir.
Q And has he a wife? A Yes sir.
Q What is her name? A Jennie Downing.
Q So Zebedee and Jennie brought Alex up? A Yes sir.
Q How long has your sister been married to Alexander Downing? A Four years, I guess; I don't remember.
Q Haven't they got some children? A Yes sir.
Q Have all these children been born since they were married? A They got three children born to Alex.
Q She was married before she married Alex? A She wasn't married,

but she is a child or two before. She had one children before she was married before and her husband deserted her and she married again.

Q How many children do you have now? A I have a family six children? A Yes sir.

Q Are these all your own children? A Yes sir.

Q Give me their names and ages? A Ada Rowe.

Q How old is Ada? A 14.

Q Give me the next child? A Washington Rowe.

Q How old is Washington? A About 9 years old.

Q Give me the next child? A Viola Rowe.

Q How old is that child? A She is 8 years old.

Q Give me the next child? A Oliver Downing.

Q How old is Oliver? A I have got the ages here.

Q Give it to me? A (Handed list to Commissioner.)

Q Oliver was born the 15th of April, 1891, three years old? A Yes sir.

Q And then Claudie? A Yes sir.

Q Born in May, 1899, two years old? A Yes sir.

Q Then you got George, a boy or a girl? A It is a boy.

Q George, it was born last December, five months old? A Yes sir.

Q Are these children all living now? A Yes sir.

Q Now, you want the three older children to keep the name of Rowe? A Yes sir.

Q And the three younger children to carry the name of their father, Downing? A Yes sir.

Q What was the name of your first husband? A Nelson Carter.

Q You have been married only twice, have you? A Yes sir.

Q Is Nelson Carter dead or alive? A I don't know, sir.

Q Did he leave you? A Yes sir.

Q Did you ever get a divorce from him? A No sir.

Q Now, you don't name these first children after Carter? A No sir.

Q And you took back your own name? A Yes sir.

Q Was your husband, Alex, ever married before he married you? A No sir.

Q How long since you and Alex married? A It will be five years the 23rd of this coming September.

Q He didn't get out a Cherokee license? A No sir.

Q Just got a preacher to marry you? A Yes sir, just got a preacher to marry us.

The 1890 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 303, No. 2116, Martha Ann Rowe, Delaware District.

The 1880 roll examined for the name of her husband and his name cannot be identified thereon.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q Did you draw Cherokee Strip money for the children? A Yes sir.

The Keras Clifton Roll examined and the names of the applicant and her two older children are identified thereon as follows:

Page 4, No. 97, Martha Rowe, Delaware District.

Page 4, No. 85, Ada Rowe, Delaware District.

Page 4, No. 84, Wash Rowe, Delaware District.

Viola Rowe not identified on said roll. Applicant's husband not identified on said roll.

Q Did you draw strip money for Viola? A No sir, they couldn't find her name.

Q No, I don't find any record of your husband, Alexander Downing?

A No sir, he never has enrolled, I don't think.

The applicant applies for the enrollment of herself, her husband and six children. She is identified on the 1880 roll and on the Kewas Clinton roll as a Cherokee Freedman. She has lived in the Cherokee Nation all her life, and her change of name from marriage is established in a satisfactory manner. She will now be listed for enrollment as a Cherokee Freedman. Of her children named in the testimony, three are the children of a former marriage and three are the children of her present marriage. Of the first three children, Ada and Washington Rowe are identified on the Kewas Clinton roll; they are living, and they will be listed for enrollment as Cherokee Freedmen. When she presents the Commission with proper certificates of birth of Viola Rowe and of the three children, Oliver, Maudie and George Downing, these four children will also be listed for enrollment as Cherokee Freedmen.

The applicant's husband, Alexander Downing is not identified upon any roll. It is claimed he has lived in the Cherokee Nation all his life, but no ground is found at this time to show that he has any right of himself as a Cherokee Freedman, and he has no claim as a Freedman by intermarriage, for he was married only five years ago and not under a Cherokee license, and his wife has never been judicially divorced from her former husband; therefore, the application of Alexander Downing will be placed upon a Cherokee Freedman card for rejection.

The undersigned, being duly sworn, states that he is a member to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 16th day of May, 1901.

E. H. Hatcher
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, U.S., June 11, 1901.

In the case of the application of Dave Vann for the
admission of his children to the Cherokee Freedmen, the
Commission to the Five Civilized Tribes, Oklahoma, U.S.,
June 11, 1901, has duly examined the application and
has decided in favor of the following:

Q Give me your name? A Dave Vann.
Q How old are you? A About 40 or 41.
Q What is your last office? A Wagoner.
Q In what district do you live? A Coward's.
Q Do you want to be enrolled as a Cherokee Freedman?
Q Do you want to apply for the enrollment of anybody besides your-
self? A Yes, sir.
Q You want to enroll children you want to apply for? A Yes, sir, eight
Q Are all children all under 18 years of age? A Yes, sir.
Q Are they all your children? A Yes, sir.
Q Do you want to apply for your wife? A She is a state woman.
Q Do you want to apply for her? A Yes, sir, she may have a right;
Q Do you want to apply for the children? A (No response.)
Q Do you consent to that? Do you agree to that? A Well, if
she has a right.
Q Well, that you can only find out by applying; don't you want to
apply for her? A Yes, I can apply, but then I was just going
to take the children.
Q Do you want to drive your wife out in spite of everything?
A No, sir, I will apply for her.
Q How long have you lived in the Cherokee Nation? A About
15 years.
Q You were born before the breaking out of the war, weren't you?
A Yes, sir, I guess so.
Q Give me the name of your father? A Dave Vann.
Q Is he dead? A Yes, sir.
Q How long has he been dead? A I can't tell, during the war time.
Q Give me the name of your mother? A Jane Vann.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A She has been dead about 20
years I guess.
Q Do you know who your mother belonged to when the war broke out?
A She said she belonged to Dave Vann and Martha Vann.
Q Were they well known Cherokee citizens? A Yes, sir.
Q Where did they live, do you know? A They lived on Grand River,
in Saline district.
Q Well, you belonged to them too didn't you at that time? A Yes, sir.
Q I belonged to them.
Q Were you taken out of the Cherokee Nation during the war? A Yes,
sir.
Q With your mother? A Yes, sir.
Q Where did your mother, have you ever had any knowledge of where
she went? A From what I heard, they said she went up to Fort
Scott.
Q Are you on the roll of 1880? A No, sir.
Q When your father died, did your mother marry again? A No, sir.
Q Did she never live as husband and wife with another man after
your father died? A No, sir.
Q Always went by the name of Vann? A Yes, sir.
Q Is there anybody here who knows anything about your mother
coming back from Kansas after the war? A I came back with my aunt
from Kansas, she raised me.
Q Give me the name of your aunt? A Betsy Burgess.
Q Is she living? A No, sir, she is dead.

March Vann et al. - 2.

Q How long has she been dead? A She has been dead about somewhere close to 20 years I expect.

Q That leaves us right where we were before; we want to find somebody who knows something about these matters? A I have not Columbus McNair and Miss Riley.

Q What is the first place that you have any recollection of? A The first place I have any recollection of is down on Grand River at a place they called Brushy.

Q Where have you lived from that day to this? A I have lived around and about in the Cherokee Nation.

Q Have you ever been outside of the Cherokee Nation since you can remember? A No, sir; so a little times out on the line here, just little trips.

Q Just going out trading? A Yes, sir.

Q You have never taken any work on the outside?

A No, sir, I never worked in any state.

Q Give me the name of your wife? A My wife is named Laura.

Q How old is she? A She is 38 I think.

Q She is a state woman, is she? A Yes, sir.

Q When were you and she married? A We have been married going on 19 years.

Q Were you ever married before you married this wife? A No, sir.

Q Was she ever married before she married you? A No, sir.

Q Is there anybody here by whom you can prove you have lived with her as husband and wife? A Yes, sir, Alfred McNair.

Alfred McNair, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Alfred McNair.

Q How old are you? A About 27 or 28.

Q What is your post office? A Wimer.

Q How long have you lived in the Cherokee Nation? A I have been living here all my life, about.

Q How long have you known the applicant here? A I been knowing him all my life.

Q Do you know his wife? A Yes, sir.

Q How long have you known her? A Been knowing her about 17 or 18 years.

Q Was she married to this man when you first knew her? A Yes, sir.

Q Have they lived together ever since as husband and wife?

A Yes, sir.

Q Have they lived all the time in the Cherokee Nation? A Yes, sir.

March Vann, recalled, testified:

Q Now give me the names of your children? A Vernice.

Q How old is Vernice? A He will soon be 18.

Q The next child? A Chesley.

Q Is he a boy? A Yes, sir.

Q How old is Chesley? A He is 18.

Q Now the next child? A Elsie.

Q How old is Elsie? A 14.

Q Now the next child? A Albert.

Q How old is Albert? A 11.

Q The next child? A Guy.

Q How old is Guy? A 8.

Q The next child? A Zach.

Q How old is Zach? A He is 7.

Q The next child? A McKinley.

Q How old is McKinley? A 4.

Q The next child? A Ernest.

Q How old is Ernest? A 18.

March 1880 - 3.

Q Are these children all living now? A Yes, sir.
The 1880 authenticated roll of Cherokee Freedmen examined
and the applicant not identified thereon.
The 1880 census roll of Cherokee Freedmen examined and the
applicant not identified thereon.
Q Did you draw the strip money? A No, sir.
The Kamm-Glifton roll examined and the applicant not identified thereon.
Q Did you ever draw money on the Wallace roll? A No, sir.
Q How comes it you are not on any roll? A I can't tell you.
Q Did you try to get on the Wallace roll? A Yes, sir.
Q What did they say to you and do with you? A I replied just
like I am replying now.
Q And they just wouldn't put you on? A No, sir.
Q Did you have your witnesses? A Yes, sir.
Q Did you ever go down to Tahlequah to try to prove up your rights
before the court or anything? A No, sir, never went there.
Q Just applied when they were making rolls? A Yes, sir.
Q What did they tell you, that you came in too late, or what?
A They didn't tell me anything, just like it is here, I went to
the court to apply.

Columbus McNair, being duly sworn and examined by Commissioner
Breckinridge, testified as follows:

Q Give me your name? A Columbus McNair.
Q How old are you? A 51 years of age.
Q What is your post office? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you on the roll of 1880? A Yes, sir.
Q Do you know the applicant here? A Yes, sir, I know him.
Q How long have you known him? A I have known him ever since
he was a boy.
Q About how old? A I don't know how old he is.
Q About how old was he when you first knew him? A I don't know
how old he was then, he was a young fellow.
Q How big was he, was he half grown? A Yes, sir, about half
grown.
Q About 15 or 16 years old? A Yes, sir, I guess he was.
Q Where did you know him about that time? A He was at home at
old man Charley Burgess place when I saw him.
Q In the Cherokee Nation? A Yes, sir.
Q Have you kept the run of him from that time until now? A No,
sir, I haven't kept the run of him since then.
Q Where did you see him the last time before this meeting? A The
last time I saw him was over at Vinita.
Q When was that? A It was sometime either last spring or last
fall he was over there.
Q Was that when the enrollment was going on over there? A No,
sir, it was before that; I think it was last spring as near as I
can remember.
Q When did you see him before that? A He very frequently comes
to Vinita, once in a while.
Q You have been meeting him? A Yes, sir, once in a while.
Q You recognized him as the same person you knew when he was
about 15 or 16? A Yes, sir, I know his father and mother.
Q Were his father and mother slaves in the Cherokee Nation?
A Yes, sir, they were slaves.
Q Who did they belong to? A To Dave Vann and Martha Vann.
Q Were they well known Cherokee citizens? A Yes, sir.
Q As far as you know then he lived in the Cherokee Nation ever
since he was 15 or 16? A No, I can't say all the time, I have seen
him off and on once in a while.

after Vann - 4.

Q Were there long intervals when you didn't see him? A Sometimes it would be a year and sometimes maybe six months or sometimes maybe two years.

Q Did you keep up your acquaintance with him, talk to him, when you did meet him? A Yes, sir, I talked to him.

Q Where did he live the times when you saw him? A I can't tell you about that, he didn't tell me.

Q You don't know any more than you met him, and that is all you can state? A No, sir, no more than I met him.

Q Do you know anything about him during the war? A No, sir, I don't know a thing about him during the war.

Q Was he a baby then? A Yes, sir, he was a young fellow when I saw him after the war.

Q Have you any distinct recollection as to when it was you first saw him after the war? A No, sir, I don't know exactly what time it was.

Q You just remember you met him after the war when he was a half grown young man? A Yes, sir.

Verne Vann, recalled, testified:

Mr. Hastings: Mr. Vann, do you know Ike Shields; did you know him up at Mapleton, Kansas? A No, sir.

Q Where did you ever see him? A I seen him down to Vinits.

Q You never saw him in Mapleton, Kansas? A No, sir.

Q Do you know F. B. Myrick? A No, sir, I don't know him.

Q Did you ever meet him at Mapleton, Kansas? A No, sir.

Q Well, when was the last time you were up at Mapleton? A Not since last time I was up to Mapleton I was up there last fall.

Q About what month? A September.

Q Did you come from there down here then? A I went from here up there.

Q You used to live at Mapleton? A No, sir.

Q Where were you living married to this woman? A Married on Big Creek.

Q Who married you? A A preacher by the name of Bowlegs, Johnny Bowlegs.

Q Where was the oldest child born, Vernice? A Born up on the Creek.

Q On what Creek? A Big Creek.

Q In the Cherokee Nation? A Yes, sir.

Q Where was Chesley born? A Born on Big Creek.

Q Where was Elsie born? A On Big Creek.

Q Where was Albert? A They were born up there on Big Creek.

Q Was then and every one of these children born on Big Creek in the Cherokee Nation? A Yes, sir.

Q Were your neighbors up there, who were they? A George Meigs.

Q Who else? A The Whitmires.

Q What Whitmires? A Herv Whitmire.

Q Did you ever live anywhere in Kansas? A No, sir.

Q Ever work up there? A No, sir.

Q Never worked at Mapleton? A No, sir, never worked at Mapleton.

Q Did you ever stay up there any? A No, sir.

Q What did you go up there last September for? A There was a big gathering up there and I just went up there.

Q How come you to go way up there to Mapleton to a gathering? A Just whenever there is a gathering ~~many~~ going on that way a fellow wants to go and he generally goes.

Q How far is that from Big Creek? A A hundred miles I reckon or maybe more.

Q And you swear that you have never lived or worked or stayed up at Mapleton, Kansas, not since the war, do you? A Yes, sir.

March Vann - 5.

Q And you testify that you never knew Ike Shields or that you never knew or saw Ike Shields or F. D. Myrick at Hapleton, Kansas, since the war? A Yes, sir.

Q Where were you when you were old enough to remember? A Down at Chouteau.

Q Did you live with down there? A Betsy Burgess.

Q How far did she live from the town of Chouteau? A I think it was about three or four miles.

Q What direction? A East.

Q How long did you live there? A About 15 years.

Q Did you ever know Jim Rider down there? A Yes, sir.

Q Was your neighbor, was he? A Yes, sir, I guess he was.

Q And lived there all the time you were living there? A Yes, sir.

Q You know Judge Jim Keys? A Yes, sir, I know him when I see him.

Q And you know J. L. Baugh, Joel Baugh? A I don't know him by that name.

Q They both live at Chouteau, don't they? A There is one there they call Bolo.

Q You lived right near Chouteau there for fifteen years did you? A Down there with my aunt and uncle and brothers.

Q Have you ever worked any in Kansas? A No, sir, I told you.

Q Never worked any in Arkansas? A No, sir.

Q Never worked any in Texas? A No, sir, don't know nothing about Texas.

Q You never introduced a single witness before the Kern Clifton Court in your behalf? A I had them but they never called them in.

Q You never introduced one, or took the testimony of a single witness? A They wasn't taking them.

Q Say yes or not; did you or did you not? A I didn't say.

Q Did you introduce them? A No, sir, they didn't swear for me.

Columbus McNair, recalled, testified:

Commissioner: You say you knew the mother of this man before the war? A Yes, sir.

Q What was her name? A Her name was Jane.

Q Did you ever see her after the war? A No, sir.

Q Never did? A Never did.

Q So you don't know of your own knowledge anything about her after the war? A No, sir, I don't.

Q Dave, he died I believe at the beginning of the war? A Yes, sir, I guess so, I knew him before the war, that is all I know, I never saw him at all after the war.

Q Where was it you say you knew this man after the war? A The first time I saw him was down at old man Charlie Burgess', his aunt's.

Q In the Cherokee Nation? A Yes, sir.

March Vann, recalled, testified:

Commissioner: Where did your mother die? A I think she died in Kansas, you see I came with my aunt, and left her back there.

Q She never did come back, did she? A No, sir, that is what they told me.

Commissioner: The applicant applies for the enrollment of himself, his wife, and eight children. It appears that the applicant is the child of Dave and Jane Vann, who were slaves of Cherokee citizens and lived in the Cherokee Nation at the time the war broke out. According to the testimony, the applicant was therefore born in the Cherokee Nation as a Cherokee slave. His father is said to have died about the beginning of the war. The applicant states that he went

Q Now, recollect, testified:
 do you recall: His father saying any sons or daughters living?
 A Yes, sir, one of a son living by the name of Bill Burgess,
 he is living.
 Q How old is Bill? A He died about 1897, just after the strip
 payment.
 Q Does he have any other sons or daughters? A She has got one by
 the name of Nathan Rogers I think.
 Q How old is she now? A Yes, sir.
 Q How old is Nathan? A Well, I can't tell you that.
 Q How old was he by the date of Burgess' death? A Yes, sir.
 Q How long has he been married, have you any idea? A No, sir,
 I don't.
 Q What is Bill Burgess' wife's name? A Sard.
 Q Is she living now? A Yes, sir.
 Q Do you know the children? A They have got three or four named
 I can't give their exact names, after I lived there 15 years and I
 haven't been around there.

1. 1840 authentic 'roll' of Cherokee Freedmen examined, and the name of Mr. Burgess found therein, pg. 72, No. 327, to be correct. District:

So isojner: Attention is also called to the enrollment of the children of the applicant's aunt, with whom he said he resided, and he is required to have some of these children who presumably resided with him give evidence in his case.

Q How old is Father Brown? As old as you? A No, sir, he is not as old as I am.

Q How old is son TOM? A I don't know how old he is.

March Vann - V.

Q Now Esther is the only child of your aunt who is living isn't she? A Yes, sir.

Q How far does she live from here? A I think they call it 35 or 40 miles.

Q Does she live near Houska? A No, sir, she lives down along this side of ~~the river~~ wagoner, down to Shoutam.

Commissioner: Why don't you have her come and give testimony in your case; go to see her and have her come down to Muskogee and testify in your case.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 20th of June, 1902.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
WILKITA, I.T., OCTOBER 4th, 1901.

is in the matter of the enrollment of MARCH VANN as
Freedman:

Mr. Hastings, Cherokee representative:
Comes now the representatives of the Cherokee Nation
and moves the Court to introduce witnesses in behalf of the
Cherokee Nation in Freedman doubtful case No. 688, being that
of March Vann, stating that he has four witnesses present from
the State of Kansas and they desire to be permitted to go
home this evening and there are quite a number of other cases
that he desires to examine.

Com'r Needles: The records show that March Vann was sum-
moned to be before the Commission on this day at eight o'clock.
The Commission is advised that March Vann resides from 25 to
30 miles from here, and the hearing of the cause is continued
until one o'clock to-day.

Mr. Hastings: To which the Cherokee Nation except.

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J. O. Pesson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

Subscribed and sworn to before me this October 9th, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 4, 1901.

SUPPLEMENTAL TESTIMONY in the case of March Vann et al, C. F. D. 688.

Appearances:

James S. Davenport for the Cherokee Nation.

Proof of service made, and applicant, having been called three times, fails to appear either in person or by attorney.

F. D. MYRICK, being first duly sworn before Commissioner T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Mr. Davenport)

Q What is your name? A F. D. Myrick.

Q Where do you live? A Near Mapleton, in Lyon County, Kansas.

Q How long have you lived there? A 45 years.

Q Have you known a colored man named March Vann up there.

Q I seed a man up there that we called March Vann, years ago, but I wasn't very well acquainted with him.

Q Do you know how long he was around there? A No sir.

Q When did you first get to seeing him around there? A I can't tell.

Q Was it before or after the war? A I guess it was after the war of course.

Q Do you know what kind of business he followed there? A He just worked there by days work, first one place and another.

Q Did you know any of his family? A No sir.

(By the Commission)

Q Where was this that you saw him? A At Mapleton Kansas around there through the country.

Q How old was he then? A I declare I can't tell, he was a man grown.

Q That was right after the war? A Yes sir.

Q About how long after the war? A I can't tell how long after the war.

Q Did you know his mother and father? A No sir.

JOHN GROSS, being first duly sworn by Commissioner T. B. Needles testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A John Gross.

Q Where do you live? A Mapleton, Kansas.

Q How long have you lived there? A Since '68.

Q Did you ever know a colored man named March Vann at or near Mapleton Kansas? A Yes sir.

Q How long since you knew him there? A 6 or 7 years ago.

Q When did you first see him there? A I don't know, some place in the latter part of the 60's, he was a small boy when he came there.

Q Did you know his parents? A I knew his father.

Q What was his name? A David.

Q Did you know his mother? A No sir.

Q When you first knew him you say he was a boy? A Yes sir.

Q Was his father living there when you first knew him? A Yes sir.

Q How many years has it been since you saw him? A 6 or 7.

Q His father was living there -- keeping house there at that time? A Yes sir.

Q Did he go to school there at Mapleton? A I don't know, I don't think he did, I don't think he lived in that district.

Q School district you mean? A Yes sir.

Q Do you know when his father died? A 5 or 6 weeks ago, I think.

Q Do you know whether there was any claim set up by them as to having come from this section of the country? A No sir.

(By the Commission)

Q You say you knew this March Vann along about '99? A Yes sir.

- Before the war then? A No sir, it was in '62 or '3.
Q About how old was this man then? A I don't know.
Q Grown? A No sir.
Q About half grown? A Yes sir.
Q Have you known him from then continuously up to this time? A Until 6 or 7 years ago.
Q Did he live there in Mapleton until 6 or 7 years ago? A I don't know if he lived there all the time.
Q Is he married? A Yes sir.
Q Did he marry there? A Yes sir.
Q Did he have any children there? A Yes sir.
Q Did you know this man's mother? A Yes sir.
Q How long has his mother been dead? A She is not dead yet, his father died six weeks ago.
Q You don't know how many children he has? A No sir.
Q This March Vann you knew, you got acquainted with just after the war, and think he has lived in that neighborhood from that time until about 6 or 7 years ago? A Yes sir.
Q Do you know where he lived now? A No sir, but I understand that he lives down here.
Q Did he come here with his family? A Yes sir; I think he been coming to the Nation off and on before that.
Q Do you know if he brought his family with him when he would come before they left there 6 or 7 years ago? A No sir.
Q In '66 he was living in Kansas was he? A Yes sir.
Q You don't know the names of any of his children? A No sir.
Q How far did he live from you up there? A I judge about two or two and a half miles.
Q Was he farming there? A Yes sir.
Q Are you a farmer? A No sir.
(By Davenport)
Q What is your business? A I am in the mercantile business.

D. G. Hessong, being first duly sworn sits before Commissioner T. B. Needles, testified on the part of the Cherokee Nation as follows:

- (By Davenport)
Q What is your name? A D. G. Hessong
Q What is your age? A 51.
Q What is your post office address? A Mapleton Kansas.
Q How long have you lived there? A 44 years.
Q Did you know a colored man named March Vann? A Yes sir I knew a colored man we called March Vann.
Q How long since you got acquainted with the March Vann that you knew? A I can't tell how long.
Q About how many years ago? A I expect I know him all his life.
Q Is he still living there? A No sir.
Q About how long since he moved away from that vicinity? A I think about 6 or 7 years ago, something like that.
Q Had he a family up there? A Yes sir.
Q Did you know his father and mother? A Yes sir.
Q What was his father's name? A David.
Q Do you know what his mother's name was? A Jane
Q Is his mother living or dead? A She was living last Friday.
Q Is his father still living? A His father died about a month or six weeks ago.
Q Have you seen March Vann since he left there six or seven years ago? A No sir.
(By the Commission)
Q When did you first get acquainted with him? A Several years ago, he was a small boy.
Q About how long ago was it— how long after the war? A I can tell exactly.
Q Was it after the war? A Yes sir.
Q How long? A Well sir I can't tell you how old he is, and I don't

exactly know how long it was after the war when I knew him.
Q I want to know about how old he was when you first knew him? A Well sir he was a good big chunk of a boy.
Q What would you judge was his age now? A Right close to 40 I think, but of course I am simply guessing.
Q Now then, you have known him continuously in Kansas from the time you met him until 6 or 7 years ago? A Yes sir.
Q He married there did he? A Yes sir.
Q Do you know the names of any of his children? A I suppose I did when they went there to school, I think I have heard our children talk about the.
Q Do you recollect of a boy called Verrin? A Yes sir.
Q Has he one named Chesley? A I don't believe I remember that name; he was quite a family.
Q But you don't remember how many? A No sir.
Q You don't know where he came from to Kansas? A No sir.
Q Did you ever hear his father or mother say if they were slaves, or who they belonged to? A Yes sir, I think I have.
Q Who did they say they belonged to? A Martin or Vann I forget which.
Q His father and mother have lived there continuously? A Yes sir.
Q Living there yet? A Yes sir his mother is, his father died a short time ago.

J. W. Baimum, being first duly sworn by Commissioner T. B. Neelley, testified as follows on the part of the Nation:

(By Davenport)

Q What is your name? A J. W. Baimum.
Q Where do you live? A Mapleton, Kansas.
Q What's your age? A 68.
Q How long have you lived in or near Mapleton Kansas? A I have been there continuously since November '64.
Q Did you get acquainted with a colored man named March Vann? A Yes sir.
Q Did you ever know his family, or his father or mother? A Knew his father, never knew his mother.
Q Is his father living or dead? A Dead.
Q When did he die? A Short time ago, in the neighborhood of four weeks.
Q What was his father's name? A Dave Vann.
Q Has his father lived in or near Mapleton ever since you got acquainted with this March Vann? A Yes sir.
Q About how long since you have seen this March Vann in that locality? A Not for several years, I can't give the date that I last saw him.
Q Do you know whether or not he married up there? A I suppose d he was married.
Q He had a family? A Yes sir.
Q About how long since you saw him up there living up there around Mapleton? A I can't say exactly, I can only approximate it, probably 6 or 7 or 8 years, maybe longer.
Q Have you seen him since he left there? A No sir, not that I know of.
Q Do you know whether or not he and his father claimed to be Cherokee darkies? A I have always understood them to be such.
Q The father lived there from the time you knew him until he died? A Yes sir.
Q When you first knew this March Vann was he a grown man or a boy? A It is quite likely that I knew him when he was a boy but I don't remember him except when he was grown.
(By the Commission)
Q Do you know his wife? A No sir.
Q Do you know how many children he had? A No sir.
Q Have you seen March Vann since you have been down here? A No sir not to know him.

JIM RIDER being first duly sworn by Commissioner T. B. Headless,
deposition as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A Jim Rider.

Q Where do you live? A Chouteau.

Q How long have you lived there? A 35 or 4 years.

Q You was a slave in this country before the war? A Yes sir.

Q Are you acquainted with a colored man named March Vann? A Yes sir, slightly acquainted with him.

Q Did you know him before the war? A Yes sir.

Q Did you know what his father's name was? A Dave.

Q Did you know what his mother's name was? A Jane.

Q Have you ever seen his father or mother since the war? A Saw his father since the war once.

Q Do you know where he was living? A In Kansas some where.

Q Have you ever seen this March Vann since the war? A Yes sir.

Q When was the first time you saw him since the war and where was it?

A The first time I saw him since the war was right here in this town during the Wallace enrollment.

Q Did you have any conversation with him then with reference to his return or whether he got back in time and where he was living? A Yes sir.

Q State it? A Well I asked him where he was living and he said he lived in Kansas and that he come here from Kansas.

Q Did he say for what purpose he come here? A No sir.

Q When did you next see him after that? A At this here Clifton enrollment.

Q Was he still living in Kansas at that time or was anything said about it at that time? A No sir nothing was said at that time about it.

Q You say he was a son of Dave Vann? A Yes sir.

Q Is he in town to-day? A He was in town the fore part of the day.

Q You saw him here did you? A Yes sir.

Q Did you have a conversation with him in reference to his enrollment?

A No sir.

Q Did you speak to him this morning? A Yes sir.

Q Is he the same as that you saw before the Wallace enrollment? A Yes sir.

Q You don't know what part of Kansas he said he was living in? A No sir.

(By the Commission)

Q Do you know his mother? A Yes sir.

Q What was her name? A Jane.

Q Is she living? A I don't know.

Q Do you know his children? A No sir.

Q Know how many he has got? A No sir.

Q The first time you saw March Vann in the Cherokee Nation after the war was during the Wallace enrollment? A Yes sir.

Q Do you know where he was living before that? A No sir, not myself.

Q You never saw him in Kansas yourself? A No sir.

(By Davenport)

Q When did you return to the Cherokee Nation? A In '66

Q Where to? A Wabbara Falls.

Q Where did you go from there? A Fort Gibson.

Q Where did you go from there Greenleaf?

Q What time did you go to Chouteau? A July '66.

Q Have you lived there continuously since that time? A Yes sir.

Q Are you acquainted with most of the colored people around there?

A Yes sir right near

Q Was March Vann, since the war, lived in that neighborhood? A Yes sir.

Q In what year? A 5 or 6 years ago.

(By the Commission)

Q Did he have any brothers or sisters? A I don't know whether he has

or not; I don't know any of them but Varn.

(By Davenport)

Q You say he moved in your neighborhood about five or six years ago?

A Yes sir.

Q Has he ever lived a near neighbor to you since the war? A Yes sir.

Q When? A Five or six years ago.

(By the Commission)

Q Do you know or did you ever know Charles Burgess? A Yes sir.

Q Where does he live? A Quite close where I live.

Q Did you ever see Varn at the house of Charles Burgess? A No sir.

Q Do you know Columbus McNair? A Yes sir I know him.

Q Do you know a place called Brimley down there? A Yes sir.

Q Did you ever see Varn there until a few years ago? A No sir.

Q You have always lived there yourself? A Yes sir.

Q Is Brimley on Grail river? A Yes sir right near the river.

Q How far is that from where you live? A I live right on Brimley, I have been living there for the last 35 or 40 years.

Q Did you know Varn when was the first time you ever knew Varn? A Before the war, he was a small child when the war come on.

Q What was the next time you knew him? A The next time was at this here a regiment here.

Q Wallace enrollment? A Yes sir.

Q You saw him from the time you saw him before the war until the Wallace court? A No sir.

Q You never saw him around Brimley there? A Until 5 or 6 years ago I didn't.

Q Not before that? A No sir.

Q Was he married then? A No sir— I don't know.

Q Did he have a family with him? A No sir, I have heard that he has a family but I never have seen it.

By Commissioner Needles: This testimony will be filed in Cherokee Exhibit 628.

The Commission is reliably informed that Varn Varn is in the town of Vinita today, in answer to a summons, but does not make his appearance before the Commission and that search was made for him but he cannot be found.

+++++

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full true and correct transcript of his stenographic notes therein.

(Chas von Weise)

Subscribed and sworn to before me this the 5th of October, 1901.

[Signature]

Commissioner.

J. M. R.

Cherokee Freedmen § 622.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
March Vann, Laura Vann, Vernice Vann, Chesley Vann, Essie Vann,
Albert Vann, Guy Vann, Zack Vann, McKinley Vann and Earnest Vann as
Cherokee Freedmen.

D E C I S I O N .

The record herein shows that March Vann appeared before the Commission at Chelsea, Indian Territory, on June 11, 1901, and made application for the enrollment of himself, his wife, Laura Vann, and his minor children, Vernice, Chesley, Essie, Albert, Guy, Zack, McKinley and Earnest Vann, as Cherokee freedmen. The said Laura Vann makes no claim for enrollment except by intermarriage, and her rights are not passed upon in this decision.

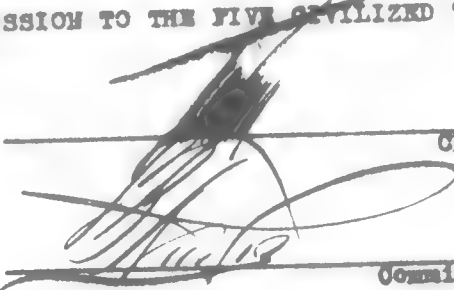
It appears from the evidence herein that the applicant, March Vann, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he was taken out of the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; that the other applicants claim their right to enrollment through the principal applicant, their father, and have no rights except such as they derive from him.

It does not appear that the names of any of the applicants herein appear on the 1880 authenticated Cherokee roll.

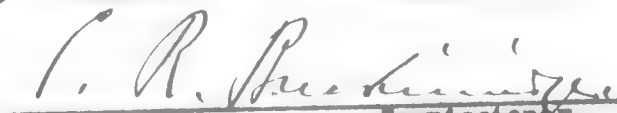
It is, therefore, the opinion of this Commission that the application for the enrollment of March Vann, Laura Vann, Vernice Vann, Chesley Vann, Essie Vann, Albert Vann, Guy Vann, Zack Vann,

McKinley Vann and Earnest Vann as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.


COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Commissioner.

Muskogee, Indian Territory,
this JUL 20 1894

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DEPARTMENT OF THE INTERIOR

COMMISSIONER OF THE CIVILIZED TRIBES

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NOTICE!

IN THE MATTER OF the application of March Vann
for enrollment as Cherokee Freedmen
Case No. 1 D 688

To March Vann, Witness, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Winita, Indian Territory. Indian Territory, on Oct. 4th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 5th day of Oct. 1901.

L B Bell

M. M. Hastings

Attorneys for the Cherokee Nation.

Cherokee Freedmen

D-486.

Muskegee, Indian Territory, August 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of March Vann for the enrollment of himself, his wife Laura, and his eight minor children, Vernice, Chesley, Essie, Albert, Guy, Zack, McKinley and Earnest Vann, as Cherokee freedmen, including the Commission's decision dated July 29, 1904, rejecting said application.

Respectfully,

Commissioner in Charge.

Encl. S-178.

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen

D-688.

Muskogee, Indian Territory, August 1, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 29, 1904, rejecting the application of March Vann for the enrollment of himself, his wife Laura, and their eight minor children, Vernice Chesley, Essie, Albert, Guy, Zack, McKinley and Earnest Vann as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Encl. S-177.

Commissioner in Charge.

Cherokee Freedmen

D-688

Muskogee, Indian Territory, August 1, 1904.

March Vann,

Wimer, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself, your wife Laura, and your eight minor children, Vernice, Chesley, Essie, Albert, Guy, Zack, McKinley and Earnest Vann as Cherokee freedmen, together with a copy of the decision of the Commission to the Five Civilized Tribes dated July 29, 1904, rejecting your said application.

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 3-176.

Commissioner in Charge.

Register.

(C)
Refer in reply to
the following:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land.

52845-1904.

WASHINGTON, August 20, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 1, 1904, transmitting the record of the application for enrollment as Cherokee freedmen by March Vann for himself and his minor children, Vernice, Chesley, Essie, Albert, Guy, Zach, McKinley and Earnest Vann.

July 29, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicant, March Vann, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he was taken out of the Cherokee Nation during the war and did not return on or before February 11, 1867. The other applicants claim rights solely through their father, March Vann.

None of the applicants is identified on any roll pertaining to the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

W. A. Jones.

Commissioner.

M.M.M. (W)

(COPY)

DEPARTMENT OF THE INTERIOR,

W.C.F.
Y.F.
THE

D. C. 33514.
I. T. D. 6766-1904.

WASHINGTON. September 3, 1904.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

August 1, 1904, you transmitted the record in the matter of the application of March Vann for the enrollment of himself his wife Laura, and his eight minor children, Vernice, Chesley, Essie, Albert, Guy, Zack, McKinley and Earnest Vann, as Cherokee freedmen, including your decision of July 29, 1904, rejecting said application.

Reporting in the matter August 20, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen
D 688

Muskogee, Indian Territory, October 4, 1904.

March Vann,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 29, 1904, rejecting your application for the enrollment of yourself, your wife, Laura Vann, and your minor children, Vernice, Chesley, Essie, Albert, Guy, Zack, McKinley and Earnest Vann, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 3, 1904.

Respectfully,

Tamc Pixby
Chairman.

COPY.

Cherokee Freedmen
D 688

Muskogee, Indian Territory, October 4, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 29, 1904, rejecting the application for the enrollment of March Vann, his wife, Laura Vann and his minor children, Vernice, Chesley, Essie, Albert, Guy, Zack, McKinley and Earnest Vann, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 3, 1904.

Respectfully,

James Bixby.
Chairman.

Cherokee Freeman

Muskegon, Indian Territory, May 2, 1906.

My dear Sir,

Muskegon, Indian Territory.

Sir:

You are hereby advised that the petition filed by you on May 7, 1906, for a review in your case, which had an excellent case, was dismissed by the Department on May 2, 1906.

Respectfully,

Commissioner.

Very

Wuskegee, Indian Territory, May 28, 1906.

Blue & Bulger,

Attorneys for Elisa A. Arnold, et al.,

Vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee freedmen enrollment cases of Elisa A. Arnold and others named in said letter :

Respectfully,

Commissioner.

WMP

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC
Incl. C-2

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *May 14, 1901*
 Post Office *Ketchikan D.T.*
 District *Idaho*

1 Name *Alexander Snow Downing* Age *38*
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents:
 Father *Alex Downing - dead* Citizenship _____
 Mother *Phoebe " - dead* Citizenship _____

2 Name of wife _____ Age _____
 Owner's name _____ Citizenship _____
 Year _____ Page *Repeat* District _____
 Parents: _____

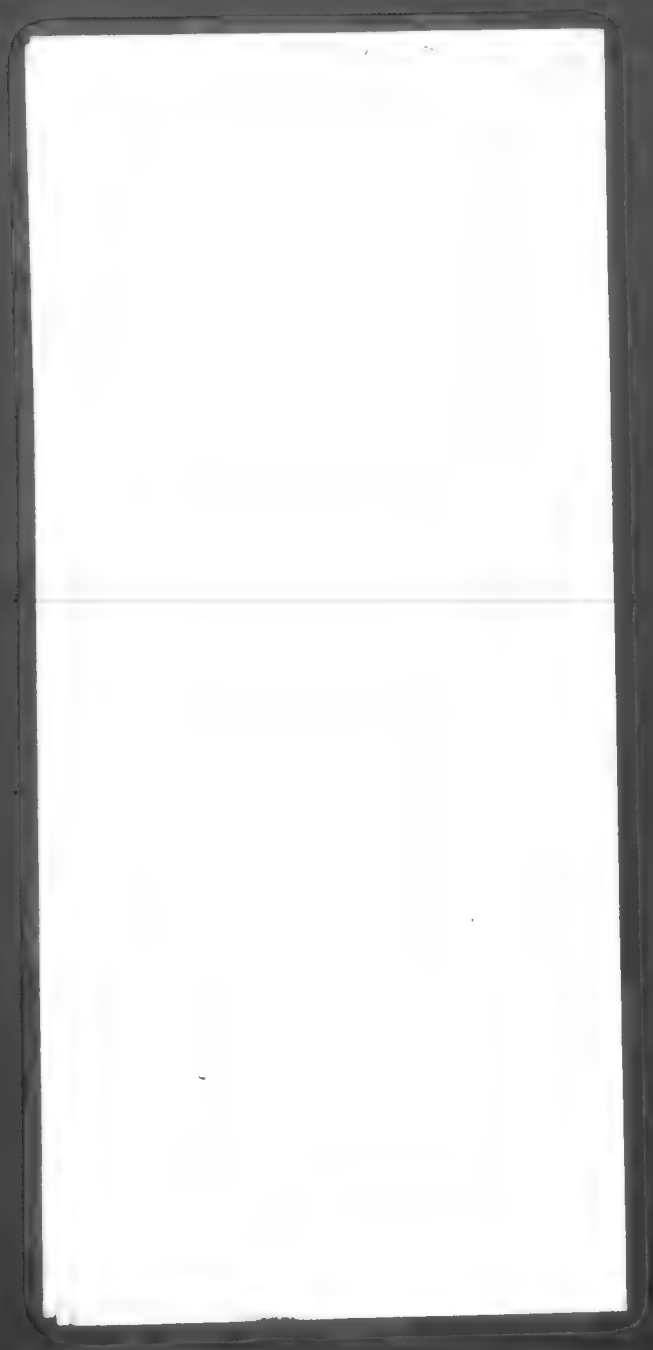
Father _____ Citizenship _____
 Mother _____ Citizenship _____

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by *Martha Downing (wife)* Stenographer *E. R. Rothenberger*

X. J. f



MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date April 11-1901
 Post Office Vaino
 District Col.

1. Name George Vaino
 Owner's name Geo Vaino

Age 40
 Citizenship Cherokee

Year Page No. District

Parents:

Father David Vaino head Citizenship Col.

Mother Laura Vaino Citizenship "
 Age 38

2. Name of wife

Owner's name

Citizenship

Year Page No. District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3. Hernice Vaino
4. Whisley
5. Alisat
6. Alisat
7. Guy
8. Edith
9. Edith
10. Earnest

Year	Page	No.	Dist.
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Application made by No. 1

Stenographer

nos. 3, 4, 5, 6, 7, 8, 9 and 10 Proof of birth to be supplied

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 690

Trans. from Cher. Fr. D. 691

Cher. Fr. R. 690

Cherokee F R 690.

Mary Webber.

For original record see

Cherokee F ~~D 690~~

1573

Cher. Fr. R. 691

Trans. from Cher. Fr. D. 692

Cher. Fr. R. 691

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 11th, 1901.

In the matter of the application of Otto Martin for the enrollment of himself, wife and five children as Cherokee freedmen; he being sworn by Commissioner T.B. Needles, testified as follows:
Applies for his wife as an intermarried Freedman.

Mellette & Smith, attorneys for the applicants.
James Davenport, attorney for the Cherokee Nation.

(Examination by the Commission)

Q What is your name? A Otto Martin.
Q How old are you? A I am about 53 or 52 years old maybe more.
Q What is your post office address? A Catale.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who do you want to have enrolled besides yourself? A My wife and five children.
Q What is the name of your wife? A Frances, she is a state raised woman.
Q Do you apply for her? A Yes sir.
Q What are the names and ages of your children? A Lindsay.
Q How old? A 19.
Q Next? A Guy.
Q How old? A 16.
Q Next? A Fred.
Q How old? A 15.
Q Next? A Eliza.
Q How old? A 12.
Q Next? A Otto Jr.
Q How old? A 9.

By Mr. Smith-

Q How old are you? A I don't know my age exactly, I reckon I must be about 52 or 3 or 4.
Q Were you born a slave? A Yes sir.
Q Who did you belong to? A Brias Martin.
Q Was he a Cherokee citizen? A Yes sir.
Q Where did he live before the war? A On Grand river.
Q Where were you when the war commenced? A I was there on Grand river with Brias Martin.
Q With your master? A With my mistress really.
Q What was her name? A Sarah Martin.
Q Was she a Cherokee citizen? A I guess so, she was Brias Martin's wife.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A I was carried to the Choctaw Nation.
Q How long did you stay down there? A Until after the war.
Q Did you go any further south than the Choctaw Nation? A No sir.
Q What time did you come back first after the war? A In '66.
Q Where did you come to? A The first place I come to was there on Garrison creek.
Q Where is that? A Close to Ft. Smith.
Q Where did you come from ~~there~~ there? A To Sallisaw and on up through the Territory by Fort Smith Gibson and by Chetopa on the line up there.
Q When did you first locate then, during that time after you ~~came back~~ got back here in '66? A I hired out to a cow man, that was when I was coming up, I come across he and he hired me and had me drive cattle and he went to Horse creek.
Q Where did you next go? A To Brushy.
Q In the Cherokee Nation? A Yes sir.
Q Were you married then? A Single.

Q When did you marry? A I dont know what year it was.
 Q How long ago-- how old is your oldest child? A 30 years old I guess she is.
 Q How long had you been married when your oldest child was born?
 A I reckon about 11 or 12 months.
 Q Have you any children now older than Lindsay? A Yes sir.
 Q Give their names? A Willia and Annie and Charles.
 Q Is Annie married? A Yes sir she is married to a man named Robinson.
 Q Where dddsshe live? A On Prior Creek.
 Q Where did she live before that? A On Prior creek.
 Q With whom? A Me.
 Q Until she married? A Yes sir.
 Q Where does William live? A There up on Prior creek.
 Q What is his post-office? A Chelsea.
 Q How far from Chelsea does he live? A Nine miles.
 Q Where does Charles live? A With me.
 Q He is not married? A No sir.

By Mr. Davenport -

Q You say you went where during the war? A To the Choctaw Nation.
 Q Who with? A Joel Bryant.
 Q Old uncle Joel? A Yes sir and my young master Joe Martin.
 Q You didn't go to Texas? A I dont know where they went after they left there, they left me in the Choctaw Nation.
 Q Did they leave there before or after the war? A I dont know, I think right about the close of the war, when they left me it was,
 Q You was about grown at that time? A I reckon I must have been 14 or 15 years old then.
 Q Your master was named Brice Martin? A Yes sir.
 Q Was he a son of Joe Martin? A No sir he was his father.
 Q When you came back after the war where did you first come to?
 A On Garrison creek.
 Q Where is Garrison creek located? A In Sequoyah district.
 Q How long did you stay there? A I didnt stay there long.
 Q Where did you go from there? A I come up the country.
 Q Had you a family living on Garrison creek before you went away?
 A No sir.
 Q Who did you see there that you knew? A I knowed a lot of folks, a lady named Caroline Starr.
 Q Any one else? A Dick Mobile.
 Q You left Garrison creek and come where? A I come up to Gibson and then up the line here by Horse creek, in up close to Chetopa.
 Q Did you live on Sallisaw while you was wandersing around? A No sir.
 Q How long did you stay ~~there~~ in Sequoyah District? A 5 or 6 years
 Q How long did you stay there before you went back to the Choctaw Nation and married? A Where?
 Q In the Cherokee nation before you went back to the Choctaw Nation and married? A I think- I dont know how long I staid, I was just backwards and forwards.
 Q You didn't have any home at all up here Q you didn't have any home at all until you married? A No sir.
 Q You married about 30 years ago? A I guess so.
 Q Your wife's people lived at Boggy Depot A Yes sir.
 Q That was where you principally lived until you and your wife were married? A Yes sir.
 Q Do you know R.W. Lindsay? A Yes sir.
 Q Did you see him in '68? A I seed him in '66.
 Q Did you see him in '68? A If I did, I dont know it.
 Q Do you remember meeting him in '68 some where in the summer of '68 when you were driving some cattle and of having a conversation with him? A No sir I met him in '66 when I was driving cattle.

Q Don't you know that he didn't come here until in '67? A No sir.

Q Did you see him before that time? A Yes sir, in '66.

Q In the Cherokee Nation in '66? A Yes sir.

Q That is a fact is it? A Yes sir.

Q You are certain that you saw him in the Cherokee Nation ~~the first~~
~~year after~~ in '66? A The first time I came up here is when I saw him.

Q You say you saw Mr. R.W. Lindsay in the Cherokee Nation the first year that you came back to the Cherokee Nation after the war do you?

A Yes sir that ~~is~~ was the time I seed him in '66.

By Smith-

Q How long had you been in the Cherokee Nation when you saw Mr. Lindsay? A I had been on the road all through that summer and spring.

Q Well about how long had you been in the Cherokee Nation when you saw this man Lindsay? A I had been ~~back~~ here I reckon about 3 or 4 months I reckon, all together.

Q Where did you see Lindsay? A Up here on Horse creek.

Q Near what place? A It was Knight's place.

By Davenport-

Q What Lindsay are you talking about? A I am talking about Joel Bryant's son in law.

Q Is that W.R.? A Yes sir I guess so.

By Smith-

Q When you first came to the nation you say you went to Sequoyah?

A Yes sir.

Q Where else had you been besides in Sequoyah before you saw Lindsay? A There was Sequoyah, there was Fort Gibson, there was Brushey and then I seed him up on Horse creek.

Q What time was it that you came in '66? A Long in the spring when the grass was big enough to drive cattle.

Q Was it in the spring or summer? A Long in the spring, I reckon the latter part of the spring I come up here long in the Summer.

Q How long did you say it was after you first came back to the Cherokee Nation before you saw ~~ixxxxx~~ Lindsay? A I reckon it was 3 or 4 months.

Q Do you know how long it was? A No I don't know exactly, I reckon it was that long.

By Davenport-

Q You did see Lindsay ~~some~~ time during the summer of a certain year in this country? A Yes sir.

Q And you had a conversation with him? A He just asked me where I was going and asked me about these cattle.

Q Didn't he ask you about those cattle and you told him you had just come from Texas with those cattle? A No sir I didn't.

By the Commission-

Q How far south did you go during the war? A We went to the lower part of the Choctaw Nation.

Q Did you go into Texas? A I went there after we got there, went there with teams ~~xxx~~ for things to eat.

Q Where ~~xxx~~ were you married? A In the Choctaw Nation.

Q Where was your oldest child born? A On Sallisaw.

Q Choctaw Nation? A Cherokee Nation.

Q Were they all born in the Cherokee Nation? A Yes sir.

Q Your wife is known as a state woman? A Yes sir.

Q Who married you? A Isaac Daniels.

Q Is he living? A I don't know.

Q Did you get a certificate of your marriage? A No sir.

Q Was she your first wife? A Yes sir.

Q Were you her first husband? A Yes sir.

Q Is she living? A Yes sir.

Q You have no proof of your marriage then? A No sir.

Q Is there anybody here that knows that you and your wife were married? A No sir not here.

C

ELIAS DOWNING, called and sworn as a witness for the applicant testified as follows:

By Mr. Smith-

Q What is your name? A Eli s Downing.

Q Your age? A 58.

Q Where do you live? A On Priors creek, Cooweescoowee district.

Q How long have you lived there? A 22 years.

Q How long have you lived in the Cherokee nation? A I was raised here.

Q Do you know this applicant here? A Yes sir.

Q Did you know him before the war? A Yes sir.

Q ~~Did you know him~~ Was he born a slave? A Yes sir.

Q Who was his master? A Brice Martin.

Q Was he a Cherokee Indian? A Yes sir.

Q Did he live in the Cherokee nation before the war? A Yes sir.

Q Where was this applicant at the time the war commenced? A In the Cherokee Nation, down near Joel Bryants.

Q When did you first see this applicant in the Cherokee Nation after the war? A Right after the war in '66 as I was coming from the south.

Q Where from? A Texas.

Q Where did you see this applicant? A The south side of the river the Arkansas river at a place known as Nivens' ferry.

Q Near where? A Near Fort Gibson.

Q Who was he with? A Some man driving cattle.

Q What time of the year? A First of July about

Q Where is he living now? A On Priors creek in Cooweescoowee district.

Q How far from Chelsea? A Six miles.

Q Do you know his wife? A Yes sir.

Q What is her given name? A Frances.

Q Are they living together now as man and wife? A Yes sir.

Q How long have you known them as man and wife? A 8 or 10 years,

By Davenport-

Q Are you on the roll of 1880 A No sir.

Q How far do you live from this applicant? A 3 miles.

Q How long have you lived that close? A 8 or 10 years.

Q How far did you live from him when the war broke out? A 10 miles

Q How old was this boy when the war began? A 10, 12, or 13 years old some where along there.

Q You went south to Texas? A Yes sir.

Q And you saw him on the south side of the Arkansas river near Nivens ferry in '66? A Yes sir.

Q Are you sure it was in '66? A Yes sir.

Q What time in '66? A Last part of June or the first part of July.

Q Before or after the treaty was made? A I dont know anything about when the treaty was made.

Q You had come back without knowing anything about the treaty and you? A Yes sir.

Q Who came back with you? A With some men driving cattle.

Q Where were they driving them to? A Somewhere in Kansas, they said they lived in Illinois.

Q Did you go on with them? A No sir.

Q How long were you with this applicant at that time? A Not very long two or three hours.

Q But you remember him distinctly as the boy you saw there? A Yes sir.

Q When did you next see him again? A In our neighborhood.

Q Ten years ago? A Yes sir.

And you recognized him as being the boy you had seen down there at the Rivers ferry? in '66? A Yes sir.

Fred Martin, called and sworn as a witness for the applicant, testified as follows:

By Smith-

Q What is your name? A Fred Martin.

Q How old are you Fred? A 43.

Q Where do you reside? A I live on Grand river.

Q What is your post-office? A Spavinaw.

Q Do you know this applicant? A Yes sir.

Q Is he related to you? A No sir.

Q Did you know him before the war? A No sir.

Q How far does he live from you now? A I dont know just how far, they calls it 21 or 22 miles.

Q Have you ever been at his house? A Yes sir.

Q Do you know his wife? A Yes sir I have seen her several times.

Q Do you know his children? A Dont know his youngest children, I know his two oldest children.

Q What are their names? A Will and Annie. He has several little children, I dont know their names.

Q Is his wife the mother of these children? A Yes sir.

Q Do you know if the mother and this applicant live together as man and wife? A Yes sir they live together as man and wife.

Q How long have they been living together in that way to your knowledge? A Ever since 82 or 83, I disremember which, I had some subpoenas to serve for Mr. Wilkerson in Sequoyah and I staid all night at his house and they was living together then as man and wife.

Q Have they lived together since then? A Yes sir.

Q Do you know who he belonged to before the war? A No sir.

Q Did you know him before the war? A That time I staid I had some subpoenas to serve for Mr. Wilkerson.

ALLEN LYNCH called and sworn as a witness for the applicant testified as follows:

By Mr Smith-

Q What is your name? A Allen Lynch.

Q Do you know this applicant? A Yes sir.

Q How long have you known him? A Ever since he was a little bit of a boy.

Q Did you know him before the war? A Yes sir.

Q Was he a slave? A Yes sir.

Q Who did he belong to? A Brice and Sarah Martin.

Q Who was Sarah Martin? A Brice Martin's widow.

Q Was she a Cherokee citizen? A Yes sir.

Q A Cherokee Indian? A Yes sir.

Q Where did she live before the war? A On Grand river, below Joel Bryant's.

Q In the Cherokee nation? A Yes sir.

Q Where was the applicant when the Civil war commenced? A Went south.

Q Was he here in the Cherokee nation when it broke out? A Yes sir.

Q You dont know where he went to? A No sir.

Q When did you first see him after the ~~Civil~~ War? ~~xxxxxxxx~~ A ~~xxxxxx~~ It was long in July or August there at Lewis' Kell's place on Cabin Creek.

Q When was that? A Long in July or August, he was going with a man who had some cattle, taking them to Kansas.

Q What year? A In '66.

Q Where was the Lewis Bell place? A On Cabin creek.

Q How far from where Vinita is now? A 10 or 12 miles, below there.

Q Do you know where he lives now? A No sir I dont.

Q Do you know his wife? A No sir.

By Davenport-

- Q Was he living on Carin Creek when you saw him? A No sir.
 Q Just going through to Texas? A Yes sir.
 Q Passing through with some cattle? A Yes sir.

By the Commission of the applicant:

- Q Is your name on the Kern Clifton roll? A Yes sir.
 The 1880 authenticated roll of the Cherokee Nation examined and the applicant not found.
 The 1896 census roll of the Cherokee Nation examined and the name of the applicant's not found thereon.
 The Kern Clifton roll examined and the name of the applicant and his children found thereon as follows:
 Page 137 No. 3393, Arter Martin
 page 137 No. 3395 Lina Martin
 Page 137 No. 3396 Guy Martin
 Page 137 No. 3397 Fred Martin.
 Page 137 No. 3398, Eliza Martin.
 Page 137 No. 3399 Arter Martin.

- Q Did you ever draw money for your wife? A No sir.

None of the applicants found on the Wallace roll of the Cherokee Nation upon an examination thereof.

- Q You were married in the Choctaw Nation? A Yes sir.
 Q Are these children all living with you? A Yes sir.

By Com'r Needles,

Otto Martin applies for himself and five children as Cherokee freedmen and for his wife Frances as a Cherokee freedman by intermarriage. Upon examination of the authenticated roll of 1880 and the census roll of 1896 the applicant cannot be found; he and his five children are duly identified on the Kern Clifton roll, he as Arter, and his youngest child Otto Jr. as Arter. He makes satisfactory proof as to residence, Avers that he was married to his wife Frances ~~for some thirty~~ in the Choctaw Nation and has been living with her continuously for some thirty years. Now the said Otto Martin and his five children as named in the testimony will be listed for enrollment as Cherokee freedmen on a doubtful card, and his wife Frances as a Cherokee freedman by intermarriage on a doubtful card. The applicant will be notified on the final decision of the Commission by mail.

=====

S U P P L E M E N T A L .

By Mr. Smith of the applicant:

- Q When you met Mr. Lindsay, were you with a bunch of cattle?
 A Yes sir.
 Q Where had you gotten those cattle? A When I got with them-
 well the cattle came from Mud Creek, Chicksaw nation.

By Davenport-

- Q Those cattle ~~came~~ didn't come from Texas then? A No sir.
 Q Do you know the man that owned the cattle? A Yes sir.
 Q What was his name? A Hardrick/
 Q What was his first name? A His first name was Stephen.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes.

(signed) Chas. von Weise.

7

Subscribed and sworn
Nowata, I. T.

RECEIVED
JUL 26 1901
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

this the 26th of June, 1901 at
(signed) T.B. Neesles,
Commissioner.

M.D. Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he made the foregoing copy
and that the foregoing is a true and complete copy of the original
transcript.

M.D. Green

Subscribed and sworn to before me this August 17, 1901.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEVENTH FEB. 20, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of OTTO MARTIN, et al., as Cherokee Freedmen, introduced on the part of the Cherokee Nation.

ARRANGERS:

Mr. Hollister, of Counsel for Applicants.

Mr. Hastings, Attorney for Cherokee Nation.

W. LINDSEY, being duly sworn, testified as follows:
Q. HASTINGS: What is your name? A. W. Lindsey.
Q. What is your age, Mr. Lindsey? A. 39 years.
Q. Are you a citizen of the Cherokee Nation by adoption?
A. Yes, sir.
Q. How long have you lived in the Cherokee Nation? A. About 41 years.
Q. Were you here then before the war? A. Yes, sir.
Q. Were you married to a citizen of the Cherokee Nation before the war? A. Yes, sir.
Q. What was your wife's maiden name? A. Mariah Bryant.
Q. What was her father's name? A. Joel M. Bryant.
Q. Did you know a slave before the war by the name of Otto Martin?
A. Yes, sir.
Q. To whom did he belong when the war came up? A. He belonged to J. M. Bryant.
Q. Do you know from whom he purchased him? A. Yes, sir, Sarah Martin.
Q. What was Sarah Martin's husband's name? A. Brice Martin.
Q. What became of Otto Martin during the war? A. Well, Mrs. Bryant taken him with the balance of the family to the Choctaw Nation and he lived there with them during the war.
Q. Were you along with them? A. No, sir, not all the time, frequently I was there, my family was living there alternately.
Q. What became of Otto just after the war? A. Well, about the close of the war he went over into Tannin County, Texas, preparatory to making a trip to Mexico.
Q. HASTINGS: Mr. Lindsey, were you along? A. Yes, sir, and he sold him there.
Q. HASTINGS: Was that before the close of the war?
A. About the latter part of '65, 1865.
Q. Is that the last you saw of him there? A. That is the last when we left him there.
Q. Well, now, when did you first return to the Cherokee Nation after the war? A. Well, I got to my home on the 15th of December, some 35 miles north of here; I passed through this city on the 15th of December.
Q. What year? A. 1867, I arrived at my home from Grand river.
Q. Did you ever see Otto Martin after that? A. Yes, sir, I think it was the next June following, '68, that I met him in the road up on what we called the old Military road and above the old Union Salt Lick.
Q. Did you have any talk with him at that time? A. Yes, sir, we met and I recognized him and he recognized me and of course cordial greeting which would naturally follow.
Q. Did you ask him where he was from? A. Yes, sir, I asked him where he was from, where he was living.

Q Well, his answer was that he just came from some cattle, drove of cattle with some parties.

Q Where from? A Texas, just come up from Texas.

Q Was the cattle along with him? A No, sir, he was nearly beaten brushy creek and Chouteau creek, and the cattle was off south of brushy creek out on the prairie off to the right; I was going from the Saline and got up on the hill I saw the cattle up on the hill to the right, and told me the cattle was camped back there on the brushy branch, we called it.

Q That was the first time you saw him after the war? A Yes, sir. There was in the Cherokee Nation at any time during the year of 1865. A No, sir.

Q You landed here at your old home on the 15th day of December, 1878? A Yes, sir.

Q You saw him the next June, '68? A Yes, sir.

Q If Martin said you were here in the Cherokee Nation in 1865 he was mistaken? A Yes, sir, I was in the Republic of Mexico all of 1865.

Q RE-INTERVIEW: Mr. Lindsey, you say that Otto Martin was owned by Joel Bryant at the beginning of the war? A That is correct.

Q Where was Otto Martin at the beginning of the war? A The post office then was called the Grand Saline, it is on the west side of Grand river, well about three miles from the Grand Saline.

Q In the Cherokee Nation? A Yes, sir.

Q Joel Bryant was a Cherokee Indian? A No, sir, he was adopted.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q By adoption? A Yes, sir.

Q His wife was a Cherokee? A Yes, sir.

Q Well, do you say Joel Bryant sold Otto Martin? A Yes, sir.

Q The latter part of 1855? A About the latter part of May, 1865.

Q Well, that was after he had been freed by law wasn't it?

Q I could not say about that; the section of the country we was in we didn't know anything about that, we was buying and selling at then times.

Q You know that Otto Martin was in the Cherokee Nation, a slave in the Cherokee Nation, at the breaking out of the war? A Yes, sir.

Q Well, Mr. Lindsey, what place did you meet him in '66?

Q I didn't meet him in '66.

Q In '68? A That we called the Union Salt Lick, some 25 miles north of here on the west side of Grand river between Brushy creek and Chouteau creek, near the old Nancy Martin place, a pretty conspicuous old place.

Q You just met him in the road? A Yes, sir, he and another young colored man was afoot and I was horseback.

Q What time in 1868? A It was in June, the best I recollect, the latter part of June.

Q When did you first have your knowledge recalled to this fact, recalled to the fact of having met him? A The very fact of having Otto Martin called up, it would recall that as most anything, Mr. Mellette, that would happen, most any circumstance would call it up; the first time I had it recalled back and that I might have thought of that it was 1896 you had your Kern-Clifton Commission, he

Q That was in 1895? A I testified then, that was the first direct.

Q You don't know how long he had been in the Cherokee Nation at that time? A No, sir, he said he just come up from Texas.

Q You don't know whether he had been here and gone back to Texas or not? A I do not.

MR. HASTINGS: Do you know where Otto Martin now lives?
A No, sir.

Q. Do you know any of his family? A. No, sir.

Commission: This testimony is ordered made a part of the record in the following Cherokee Freedmen cases: 6.702, 47.703, 711, and 47.724.

--"oooOOCooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 20th of September, 1901.

C. R. Brantley

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 16th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of OTTO MARTIN, ET AL., as Cherokee Freedmen, introduced on part of Cherokee Nation:

APPEARANCES:

Mr. Mellette, of Counsel for Applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

NATHAN CORMICLE, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Nathan Cormicle.

Q Where do you live, Mr. Cormicle? A I live near Catale.

Q How old are you? A 53.

Q How long have you lived near Catale? A About 28 years.

Q Do you know Otto Martin? A Yes, sir, I know, or know of him.

Q How long have you known him? A I have known him for about eight or ten years I guess.

Q How far does he live from you? A He lives about a half mile north of where I live.

Q How long has he been living there? A He has been living there to my memory about, somewhere between three and four years.

Q Well, when he came there to that place did you have any conversation with him as to where he had been living, or his rights in the Cherokee Nation? A No, sir, I never talked to him until he bought that place and we met up and have had several talks; he never did say anything about having any right in the country except one time.

Q Well, now, just state what that conversation was? A He said he was, they was hurrying along to get the things fixed up and know what they was going to do with him before the Dawes Commission.

Q Did he say anything about where he had been living? A He had been living a while before that still on west of that, it is my understanding that he bought a place from Polk Milharlan.

Q Did he say he was living in the country before that? A No, sir, he spoke of living in Kansas and Choctaw and Chickasaw country.

Q I am asking you what the conversation was with reference to where he had been living? A Well, just, he seemed to want to know what they were going to do about his citizenship.

Q Did he say anything about his citizenship? A No, sir; he said he thought he come too late, that was the greatest complaint he had.

MR. MELLETTE: When did he say that, Mr. Cormicle? A He said this as well as I remember about two years ago, or about a year.

Q Didn't he say that they claimed he was too late? A He said he was too late himself.

Q Well, now, he was claiming citizenship here? A Yes, sir.

Q He was an applicant before the Dawes Commission for citizenship? A Yes, sir.

Q And still he told you he had come here too late to be a citizen?

A That was what he was afraid of, that was all he feared.

Q That was what he was afraid of? A Yes, sir.

Q Didn't he say that the Cherokee Nation was trying to say that he was too late to be a citizen? A No, sir, he didn't say anything about the Cherokee Nation saying that he would be too late; he just said to me he was too late.

Q Were you paying any particular attention to that conversation?

A Yes, sir, I met him in the road and was talking to him same as any other man.

Q Do you swear that you give the exact import of his conversation?
A No, sir, I wouldn't say that I give every word just as it was talked, but as far as the citizenship is concerned.
Q Are you giving the exact language that he used? A As far as he claimed that he was here too late, I am.
Q Now, what did he say? A Now, he said he wished they would hurry up so he would know what they was going to do with him, whether he would be recognized as a citizen.
Q Is that the exact language he used? A Yes, sir, as well as I remember it.
Q You said that you remembered his exact language? A That is what he said.
Q Are you giving his exact language? A As near as I can.
Q Well, now, he did say exactly what you have said? A Yes, sir.
Q And you remember two years, you are giving it word for word?
A I don't claim it is word for word, but it is just as I remember.
Q Nobody told you to remember what Otto Martin said? A No, sir.
Q When did you first think about this conversation you had with him? A I had then, thought about it; he was living there on the place and I was imposed on by his stock.
Q You were imposed on by his stock? A Have been; haven't been lately.
Q How much land have you got down there? A About 160 acres of land.
Q Are you a citizen? A Yes, sir.
Q Have you all you are entitled to? A No, sir.
Q Are you trying to get Otto Martin's place?
A No, sir, the place he has got there I wouldn't want, it is hilly and I own all the land of that kind I want.
Q The fact of the business is you have had some trouble with him about it, haven't you? A No, sir; I could have had it before he ever moved there if I wanted it.

Com'r Needles: This testimony will be made part of the record in the case at bar, and also part of the record in Freedmen cases D.#703, D.#714 and D.#724.

---oooOoo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 24th, 1901.

C. H. Alexander

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of FERRY ADAMS for enrollment
as a Cherokee Freedman:

Applicant appears by Mallette & Smith; Cherokee Nation, by
W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation,
No. 17209 filed in the Mariah Hayden case D D 493, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Mariah Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Otto Martin, D 692;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-
duction of the decree, because, First: It does not tend to show
that the applicant was a slave of the Cherokee Nation at the
beginning of the war, nor that he returned within the time specified
in the treaty of 1866, or that he had been a continuous resident
of the Cherokee Nation since that time, or that he is a descendant
of such a person. Second: Because the same is incompetent, irrele-
vant and immaterial, and does not tend to prove an issue in this
case. Third: Because the Commission will take judicial knowledge
of all laws, treaties and decrees necessary for the determination
of the right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same
is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be en-
tertained and the decree of the Court of Claims filed in the case
of Mariah Hayden will be made a part of the record by reference in
all the cases above named with the exception of those which come
within the provisions of the temporary injunction recently granted
by Judge Gill of the United States Court, of the Northern District,
Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named
cases including the Mariah Hayden case that counsel for the appli-
cant be allowed within thirty days to file any of the proof of any
or all of the record other than the decree already referred to.

-2

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings,

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereon.

(Signed) L. G. Rothberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Foster,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Foster
Notary Public.

Nation since the rebellion and did not return thereto within the time specified in the order of the Court of Claims rendered on February 3, 1890, in the case of Moses Whitwire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

It further appears that all the other applicants herein were born since 1860; that they are the descendants of said Rachel Lane and Otto Martin, respectively, and have no rights as Cherokee freedmen ~~as~~ except such as they may have derived through said ancestors. It does not appear that Rachel Lane or any of the applicants herein are identified upon the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Alexander Irons, William Lane, Cyrus Lane, Reuben Lane, Ira Lane, Emma Lane, Laura Lane, Fannie Lane, Willis Lane, Mitchell Lane, Otto Martin, Lindsay Martin, Guy Martin, Fred Martin, Eliza Martin, Otto Martin, Jr., Willis Martin, Charlie Martin, Annie Robinson, Thomas Robinson, Willie Robinson, and Luther Robinson as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 23, 1896 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(Signed) Tams Bixby,
Chairman.

(Signed) T. B. Needles,
Commissioner.

(Signed) C. R. Breckinridge,
Commissioner.

Muskogee, Indian Territory,

July 25, 1904

Then by certainty that \mathcal{L} exists the with-
in-theory proof

Given under my hand this

124 J. D. DODD

Marshall, for Cherokee Nation

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the day of SEP 10 1961.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A.D. 1901

Subscribed and sworn to before me
this day of A.D. 1901

NOTICE!

IN THE MATTER OF The application of Otto Martin
for enrollment as a Cherokee Freedman:

Case No. F. D. 622

To Otto Martin or Helletta S. Smith His attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of **Fort Gibson, I. T.** Indian Territory, on the following dates, to-wit: **Sept. 12th** and **Sept. 13th** A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **13th** day of **Sept.**, 1901.

B. Bell
W. W. Hastings
J. S. Davenport
Attorneys for the Cherokee Nation.

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INDIAN TERRITORY

CHIEF OF DISTRICT

THE DISTRICT OF INDIAN TERRITORY, IN THE COUNTY OF

IN THE COUNTY OF INDIAN TERRITORY, IN THE COUNTY OF

IN THE COUNTY OF INDIAN TERRITORY, IN THE COUNTY OF

IN THE COUNTY OF INDIAN TERRITORY, IN THE COUNTY OF

IN THE COUNTY OF INDIAN TERRITORY, IN THE COUNTY OF

I, the undersigned Attorney for the
within named applicant hereby accept
service of this within notice on this the
day of **SEP** 1, 1904.

Attorney for applicant

UNITED STATES OF AMERICA
INDIAN TERRITORY
NORTHWEST DISTRICT

I do solemnly swear that I have read
this copy of the within notice.

of the day of 1904

Subscribed and sworn to before me
this day of 1904

24900

NOTICE!

IN THE MATTER OF The application of Otto Martin
for enrollment as a Cherokee Freedman
Case No. F. D. 692

To Otto Martin or Mellette & Smith His attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of **For. Gibson, I. T.** Indian Territory, on the following dates, to-wit: **Sept. 19th** at **10 o'clock A.M.** A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **13th** day of **Sept.** 1901.

L. B. Ball
W. W. Hastings
J. P. Davenport
Attorneys for the Cherokee Nation.

COMMISSIONERS
HENRY L. DAWES
JAMES HIXBY
THOMAS H. NEEDLES
W. R. DUFFY

ALLAN L. AYERWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

January 25, 1911

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
W. H. Martin et al for enrollment as
Freedmen of the Cherokee Nation.

No. CF 20692

Maria Smith
Attorney for applicant

INDIAN TERRITORY

CHIEF OF POLICE

EDGEMONT, INDIAN TERRITORY

CHIEF OF POLICE

CHIEF OF POLICE

CHIEF OF POLICE

A. D. 1900

CHIEF OF POLICE

CHIEF OF POLICE

A. D. 1900

MAJORITY OF THE CHIEF OF POLICE

I have designated attorney for the
with a view to applying for the
service of the within notice on this the

7 days
McClure - Smith
Attorney for applicant

CHIEF OF POLICE

I have hereby sworn that I have read a
true copy of the within notice to

CHIEF OF POLICE

A. D. 1900

SUBJECT OF NOTICE

CHIEF OF POLICE

Notary Public

CHIEF OF POLICE

FILED

1901

NOTICE!

IN THE MATTER OF the application of **Otto Martin,**
for enrollment as Cherokee Freedmen
Case No. F. D 692.

To **Otto Martin,**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of **Vinita,** Indian Territory, on **October 15, 1901, at 8 o'clock A. M.,** or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **October 9, 1901.**

L. B. Bell

W. M. Hastings
Jas. S. Davenport

Attorneys for the Cherokee Nation.

Cherokee Freedmen
D 692

Muskogee, Indian Territory, August 27, 1904.

Otto Martin,

Catale, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, in the consolidated case of Alexander Irons, et al., rejecting, among others, your application for the enrollment of yourself and your minor children, Lindsay, Guy Fred, Eliza and Otto Martin, Jr., as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-51

Register.

Chairman.

GOV

Cherokee Freedmen
D 714 & D 692

Muskogee, Indian Territory, August 27, 1904.

Edgar Smith,
Attorney for Charlie Martin, et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, in the consolidated case of Alexander Irons, et al., rejecting, among others, the applications for the enrollment of Charlie, Otto, Lindsay, Guy, Fred, Eliza and Otto Martin, Jr., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED *Tamm Dixey*
Chairman

Encl. V-57

Register.

COPY

Charles Freeman
D 121, et al.

Washington, Indian Territory, August 27, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Alexander Evans, et al., together with the Commission's decision dated August 25, 1904, rejecting the applications for the enrollment of Alexander Evans, William, Henry, Nathan, Ira, Anna, Laura, Fannie, Willis and Mitchell Evans, Otto, Lindsay, Gay, Fred, Nina, Otto, Jr., Charles and Willie Martin and Annie, Thomas, Willie and Lachar Robinson as Charles Freeman.

Respectfully,

(SIGNED) *Tamie Dixby.*
TAMIE DIXBY

Enc. V-66

Through the
Commissioner of Indian Affairs.

COPY

Charles Freeman
et al., et al.

Mustoge, Indian Territory, August 27, 1904.

Hastings, Bell & Newcomb,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, in the consolidated case of Alexander Irons, et al., rejecting the applications for the enrollment of Alexander Irons, William, Henry, Hubert, Ira, Emma, Laura, Fannie, Willie and Mitchell Lane, Otto, Lindsay, Guy, Fred, Elmer, Otto, Jr., Charlie and Willie Norton and Annie, Thomas, Willie and LeRoy Robinson as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tarns Bixby.
Commissioner.

Encl. 7-55

(Copy)

Refer in reply
to the following:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, September 28, 1904.

Land.
59484-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 24, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Alexander Irons for himself; by William Lane for himself and his sister, Chaney Lane; by Reuben Lane for himself; by Ira Lane for himself and his two sisters, Emma and Laura Lane; also by said Emma Lane for her children, Fannie and Willie Lane; by Mitchell Lane for himself; by Otto Martin for himself and his minor children, Lindsay, Guy, Fred, Eliza and Otto Martin Jr.; by Willis Martin for himself; by Charlie Martin for himself; by Annie Robinson for herself and her minor children, Thomas, Willie and Lindsay Robinson.

August 25, 1904, the Commission decided adversely to all the applicants.

The record shows that the applicants, Otto Martin, Rachel Lane (now deceased), and her son, Alexander Irons, an applicant herein, were the slaves of Cherokee citizens at the beginning of the war of the rebellion; that they were taken out

of the Cherokee Nation during the war and did not return and establish a residence therein on or before February 11, 1867.

It further appears that all of the other applicants were born since 1866; that they are the descendants of Rachel Lane or of Otto Martin, and have no rights to enrollment except such as they may derive through their ancestors.

It does not appear that any applicant herein is identified on the 1880 authenticated Cherokee roll, but the most of them are identified on the Wallace roll or the Kern-Clifton roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.W.V.
W.

(Copy)

W.C.F.
Y.P.
FHE

DEPARTMENT OF THE INTERIOR,
WASHINGTON. November 23, 1904.
D. C. 45640-1904.
I.T.D. 8592-1904.
IRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 27, 1904, you transmitted the record in the consolidated Cherokee freedman case of Alexander Irons, et al. (D 181, et al), including your decision of August 25, 1904, which was adverse to the applicants.

Reporting in the matter September 28, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thom Ryan

Acting Secretary.

1 inclosure.

COPY

Cherokee Freedmen
D-692.

Muskogee, Indian Territory, December 7, 1904.

Otto Martin,

Catale, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated August 25, 1904, reflecting, among others, the application for the enrollment of yourself and your children, Lindsay, Guy, Fred, Eliza and Otto Martin Jr. as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 23, 1904.

Respectfully,

James Dixby.
Chairman.

COPY.

Cherokee Freedmen
D-692-714.

Muskogee, Indian Territory, December 7, 1904.

Edgar Smith,

Attorney for Otto Martin, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting, among others, the applications for the enrollment of Otto, Lindsay, Guy, Fred, Eliza, Otto Jr. and Charlie Martin as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 23, 1904.

Respectfully,

Tamc Dixby.
Chairman.

Cherokee Freedmen
D-181, et al.

Muskogee, Indian Territory, December 7, 1904.

Bell, Hastings & Davenport,
~~Attorneys~~ for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting the applications for the enrollment of Alexander Irons, William, Chaney, Reuben, Ira, Emma, Laura, Fannie, Willis and Mitchell Lane; Annie, Thomas, Willie, and Luckey Robinson; Willis, Otto, Lindsay, Guy, Fred, Eliza, Otto Jr. and Charlie Martin, as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 23, 1904.

Respectfully,

Tamc Dixby.
Chairman.

COPY.

Cherokee Freedman
D-692.

Muskogee, Indian Territory, January 24, 1905.

Frances Martin,

Catale, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tame Dixby.
Chairman.

Encl. L-75.

Register.

COPY.

Cherokee Freedman
D-205 et al.

McKees, Indian Territory, January 24, 1905.

Edgar Smith,
Attorney for Jane Bean et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the applications for the enrollment of Jane Bean, Albert T. Thomas, Melvina Liberty, Alexander Claggett, Amanda Martin, Maud Hanley, Katie Davis, Charles Williams, John J. Rose, Alex Johnson, Charles C. Smith, Sadie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Leoney, Lucy Chouteau, Mahaley Ward, Millie Robinson, Frances Martin, Mary Riley, Samuel Irvon, Sadie Adams, Georgess Archer, John Claggett, Hattie Smith, Jack Jackson, Ida Adair, Robert Brown, Isaac Jones, Alice Gumber, Katie Adair, Susan Hamilton, and Levi Adams as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) *Tams Dixby.*
Chairman.

Encl. 1-25.
Register.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Clegggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Edward F. Watson, Jack McConnell, Mamie Kinley, George Reed, Sr., Busk Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kander Lampton, Thomas E. Allen, Lewis Vanderford, John I. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Paterson, Alex Johnson, Martha Vann, John Scott, Nancy Reed, Charles G. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizada Vann, Freddie Letney, Lucy

Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dean, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowles, Malinda Murrell, Charles Gleggett, Samuel Irvan, Mary Ross, Maggie Ware, Beona Howe, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgessan Archer, John Gleggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Linnie West, Maria French, Mary Johnson, Maggie Vann, William Nelson, Sarah Rogers, Abraham Ballard, Laura David, John Deekman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mair, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lew Peters, Ida Mair, Robert Brown, Allie Chambers, Ida Jones, Alice Gaster, Katie Mair, Carrie Martin, Benjamin Clark, Emily Leoney, John Greven, Matilda McHair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owen, Fannie Goldsby, Susan Daniels, Anderson Park, David Lane, Felix McClain, Henderson James, Belle Vann, Levi Strunk, John Smpter, Harish Thompson, Ellen Sheppard and Lula Helton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

-3-

Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). *Tarne Bixby.*
Chairman.

Incl. K-9.

COPY

Cherokee Freedmen
D-14 et al.

Washington, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melten, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Salife Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Earlin, Nellie Fields, John Kimbo, William S. Madden, James Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Vinton, Jack McConnell, Maude Manley, George Reed, Sr., Buck Logan, Bell Thompson, Lewis Scott, Abe Scott, Kender Lupton, Thomas H. Allen, Lewis Vanderford, John L. Bewlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Klaidie Vann, Freddie Leoney, Lucy Choutau, Alice Durant, Mahaley Vann, Fred P. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Vann.

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Marrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Wava, Neoma Nava, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Fattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie Vest, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Spelman, James E. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Guster, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Graves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Stumpter, Mariah Thompson, Ellen Sheppard and Lula Halton,--as Cherokee citizens by inter-marriage, including the Commission's decisions dated January 19, 1905, rejecting said applications.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman,

Incl. K-8.

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Refer in reply
to the following:
Land.
7908-1905.

WASHINGTON, March 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson, Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Hess, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Cheuteau,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elisabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the

Cherokee Nation or by any United States tribunal and that none is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M. H. W.

W. C. F.
PHE.

DEPARTMENT OF THE INTERIOR,

D. C. 20677-1905.
I. T. O. 2904-1905.

WASHINGTON. April 17, 1905.

T. R. S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Vanley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas R. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena

Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross,
Charles C. Smith, Gusie Colbert, William Skaggs, Susie Johnson,
Alfred P. Hopkins, Fizzie Vann, Freddie Looney, Lucy Chouteau,
Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis
Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley,
Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephney Dawn,
Valinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George
Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis
Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel
Irven, Mary Ross, Maggie Nave, Neema Nave, Ella Ross, Elizabeth
Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith,
Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria
French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers,
Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac
Welch, Lawson Logan, George Howell, Henry Masir, George Adams,
Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair,
Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie
Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves,
Matilda McNaiff, Bettie Vann, Nelson Lett, Fannie Rogers, William
Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels,
Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle
Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and
Lula Melton.

-5-

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

D-692.

Muskogee, Indian Territory, April 28, 1905.

Frances Martin,

Catale, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the application for your enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen

D-692.

Muskogee, Indian Territory, April 28, 1905.

Blue & Bulger,

Attorneys for Frances Martin,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the application for the enrollment of Frances Martin as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COPY.

Charles Freeman

D-14, et al.

Muskogee, Indian Territory, April 28, 1906

Hell , Hastings & Davenport,
Attorneys for the Cherokee Nation
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's
decision dated January 19, 1906, rejecting the applications
for the enrollment of William Davis, et al., as Cherokee
citizens by intermarriage, was affirmed by the Secretary of
the Interior on April 17, 1906.

Respectfully,

SIGNED. *Tams Bixby.*
Special Agent

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

Department of the Interior,

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,
 Henry Thomas,
 Ellie Vann,
 Mary Markham,
 Frances Melton,
 John Dotson,
 Mary Jane Vann,
 Thomas Lowe,
 Ella Mayfield,
 Sallie Hider,
 Reuben Campbell,
 Van Jackson Luther,
 Cassie Middleton,
 Mary Harlin,
 Nellie Fields,
 John Kibbo,
 William S. Madden,
 Jade Bean,
 Albert T. Thomas,
 Mary Campbell,
 Christine Daniels,
 Mollie Atterby,
 Dave Morris,
 Alexander Chaggett,
 Amanda Martin,
 Eliza Martin,
 John E. Barnes,
 Ben Davis,
 Samuel Brown,
 Howard P. Watson,
 Jack McOmaha,
 Maude Mauley,

Cherokee Freedmen D-14,
 Cherokee Freedmen D-58,
 Cherokee Freedmen D-70,
 Cherokee Freedmen D-108,
 Cherokee Freedmen D-110,
 Cherokee Freedmen D-111,
 Cherokee Freedmen D-116,
 Cherokee Freedmen D-119,
 Cherokee Freedmen D-124,
 Cherokee Freedmen D-147,
 Cherokee Freedmen D-167,
 Cherokee Freedmen D-174,
 Cherokee Freedmen D-178,
 Cherokee Freedmen D-179,
 Cherokee Freedmen D-188,
 Cherokee Freedmen D-196,
 Cherokee Freedmen D-199,
 Cherokee Freedmen D-205,
 Cherokee Freedmen D-210,
 Cherokee Freedmen D-216,
 Cherokee Freedmen D-220,
 Cherokee Freedmen D-227,
 Cherokee Freedmen D-236,
 Cherokee Freedmen D-238,
 Cherokee Freedmen D-244,
 Cherokee Freedmen D-245,
 Cherokee Freedmen D-247,
 Cherokee Freedmen D-250,
 Cherokee Freedmen D-255,

George Reed, Sr.,
 Buck Ledman,
 Bell Thompson,
 Lewis Scott,
 Abe Scott,
 Kender Lantipen,
 Thomas E. Allen,
 Lewis Vanderford,
 John L. Bowlin,
 Katie Davis,
 Charles Williams,
 John J. Rose,
 Jane Martin,
 Lena Peterson,
 Alex Johnson,
 Martha Vann,
 John Scott,
 Nancy Ross,
 Charles C. Smith,
 Susie Colbert,
 William Skaggs,
 Susie Johnson,
 Alfred P. Hopkins,
 Kizzie Vann,
 Freddie Looney,
 Lucy Chouteau,
 Alice Durant,
 Mahaley Ward,
 Fred D. Thomas,
 Bettie Beck,
 Ellis Warren,
 Millie Robinson,
 Mary Webber,
 Frances Martin,
 Mary Riley,
 Emmanuel Taylor,
 Henry Sykes,
 Larkin F. Powell,
 Stepnay Dawn,
 Malinda Vann,
 Frances Johnson,
 Annie Foster,
 Mary H. Rogers,
 George Washington Lane,
 Jane Brown,

Cherokee Freedmen D—382,
 Cherokee Freedmen D—406,
 Cherokee Freedmen D—411,
 Cherokee Freedmen D—420,
 Cherokee Freedmen D—421,
 Cherokee Freedmen D—422,
 Cherokee Freedmen D—424,
 Cherokee Freedmen D—426,
 Cherokee Freedmen D—444,
 Cherokee Freedmen D—455,
 Cherokee Freedmen D—478,
 Cherokee Freedmen D—474,
 Cherokee Freedmen D—486,
 Cherokee Freedmen D—490,
 Cherokee Freedmen D—493,
 Cherokee Freedmen D—495,
 Cherokee Freedmen D—501,
 Cherokee Freedmen D—513,
 Cherokee Freedmen D—514,
 Cherokee Freedmen D—529,
 Cherokee Freedmen D—545,
 Cherokee Freedmen D—546,
 Cherokee Freedmen D—550,
 Cherokee Freedmen D—552,
 Cherokee Freedmen D—573,
 Cherokee Freedmen D—584,
 Cherokee Freedmen D—588,
 Cherokee Freedmen D—608,
 Cherokee Freedmen D—650,
 Cherokee Freedmen D—655,
 Cherokee Freedmen D—667,
 Cherokee Freedmen D—674,
 Cherokee Freedmen D—691,
 Cherokee Freedmen D—692,
 Cherokee Freedmen D—696,
 Cherokee Freedmen D—699,
 Cherokee Freedmen D—722,
 Cherokee Freedmen D—735,
 Cherokee Freedmen D—736,
 Cherokee Freedmen D—741,
 Cherokee Freedmen D—742,
 Cherokee Freedmen D—743,
 Cherokee Freedmen D—752,
 Cherokee Freedmen D—758,
 Cherokee Freedmen D—760,

269 72

Samuel L. Young,
John Buckner,
Willis Cox,
Leonard Bowles,
Malinda Murrell,
Charles Claggett,
Samuel Irvén,
Mary Ross,
Maggie Nave,
Neoma Nave,
Ella Ross,
Elizabeth Duncan,
~~Sadie Adams,~~
Georgemnn Archer,
John Claggett,
Hattie Smith,
Jack Jackson,
Lula Sanders,
George Hazelrig,
Lizzie West,
Maria French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Deckman,
James B. Perry,
Isaac Welch,
Lawson Logan,
George Howell,
Henry Masie,
George Adams,
Annie Thomas,
Lewis McConnell,
Callie Vann,
Lou Peters,
Ida Adair,
Robert Brown,
Allie Chambers,
Icenn Jones,
Alice Gunter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D—761,
Cherokee Freedmen D—780,
Cherokee Freedmen D—781,
Cherokee Freedmen D—787,
Cherokee Freedmen D—788,
Cherokee Freedmen D—789,
Cherokee Freedmen D—798,
Cherokee Freedmen D—799,
Cherokee Freedmen D—808,
Cherokee Freedmen D—816,
Cherokee Freedmen D—840,
Cherokee Freedmen D—871,
Cherokee Freedmen D—880,
Cherokee Freedmen D—891,
Cherokee Freedmen D—913,
Cherokee Freedmen D—923,
Cherokee Freedmen D—938,
Cherokee Freedmen D—973,
Cherokee Freedmen D—987,
Cherokee Freedmen D—990,
Cherokee Freedmen D—1010,
Cherokee Freedmen D—1039,
Cherokee Freedmen D—1062,
Cherokee Freedmen D—1067,
Cherokee Freedmen D—1078,
Cherokee Freedmen D—1082,
Cherokee Freedmen D—1085,
Cherokee Freedmen D—1105,
Cherokee Freedmen R— 39,
Cherokee Freedmen R— 45,
Cherokee Freedmen R— 48,
Cherokee Freedmen R— 50,
Cherokee Freedmen R— 72,
Cherokee Freedmen R— 82,
Cherokee Freedmen R— 83,
Cherokee Freedmen R— 86,
Cherokee Freedmen R— 94,
Cherokee Freedmen R— 96,
Cherokee Freedmen R— 99,
Cherokee Freedmen R—100,
Cherokee Freedmen R—103,
Cherokee Freedmen R—104,
Cherokee Freedmen R—105,
Cherokee Freedmen R—106,
Cherokee Freedmen R—107,

Benjamin Clark,
Emily Dooney,
John Groves,
Matilda McNair,
Bettie Vann,
Nelson Lett,
Fannie Rogers,
William Washington,
Squire Warren Owens,
Fannie Goldeby,
Susan Daniels,
Anderson Turk,
David Lane,
Felix McClain,
Henderson Jones,
Belle Vann,
Levi Stroud,
John Sumpter,
Mariah Thompson,
Ellen Sheppard,
Lula Melton,

Cherokee Freedmen R—108,
Cherokee Freedmen R—110,
Cherokee Freedmen R—112,
Cherokee Freedmen R—117,
Cherokee Freedmen R—122,
Cherokee Freedmen R—125,
Cherokee Freedmen R—129,
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Cherokee Freedmen R—144,
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Cherokee Freedmen R—148,
Cherokee Freedmen R—155,
Cherokee Freedmen R—165,
Cherokee Freedmen R—173,
Cherokee Freedmen R—181,
Cherokee Freedmen R—196,
Cherokee Freedmen R—211,
Cherokee Freedmen R—230,
Cherokee Freedmen R—237,
Cherokee Freedmen R—247.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Beuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, Oreste Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nettie Fields; by John Kimbo for himself; by William N. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Moss Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Latkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Waghington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melfon, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Daws, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Aroher, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Bullard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN.

Date

JUN 11 1901

Post Office

District

Age

Citizenship

1. Name

Owner's name

Year

Page

No. 3392

District

Parents:

Father

Citizenship

Mother

Citizenship

Age

2. Name of wife

Owner's name

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3. Name

Year

Page

No. 3390

Dist.

4.

Year

Page

No. 3391

Dist.

5.

Year

Page

No. 3392

Dist.

6.

Year

Page

No. 3393

Dist.

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Year

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No. 3394

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No.

Dist.

10.

Year

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No.

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11.

Year

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Dist.

12.

Year

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No.

Dist.

Application made by

Stenographer

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Witnessed by Millette and Smith, Justice, D.C.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 69a

Trans. from Cher. Fr. D. 696

Cher. Fr. R. 69a

Ed Riley, et al., Cont'd 1.

ED RILEY Application continued, former portion reported by Stenographer W.D.Green.

APPEARANCES:

Messrs. Vellette & Smith for applicants.
Mr. W.W.Hastings, for Cherokee Nation.

JOHN LANDRUM, being duly sworn by Commissioner C.R.Breckinridge, testified as follows: BY MR.MELLETTTE:

- Q What is your name? A John Landrum.
Q How old are you? A 59.
Q Where do you live? A I live up here on Lightning Creek.
Q Cherokee Nation? A Yes sir.
Q Are you a recognized Freedman citizen of the Cherokee Nation?
A I am.
Q On the roll of 1880? A Yes sir.
Q Do you know the applicant here, Ed Riley? A Yes sir.
Q Do you know Joseph Riley, his father? A Yes sir.
Q Did you know where he lived at the beginning of the war?
A No, sir; beginning of the war; well I knowed he belonged to old man Riley.
Q You knew he belonged to old man Riley? A Yes, sir.
Q What Riley was that? A Looney Riley.
Q Where was that; where did old man Looney Riley live?
A He lived somewhere about Park Hill.
Q In what Nation? A In the Cherokee Nation.
Q Was he a Cherokee citizen? A Yes sir.
Q Well, now, did you know Mary Riley, this boy's mother?
A I wasn't quite acquainted with her, I seen her once or twice.
Q Do you remember what her name was before she married Joseph?
A No sir, I don't.
Q Well, now, do you know where Joseph Riley went during the war? A Went to Kansas.
Q Do you know when he returned to the Cherokee Nation after the war? A I seen him when he was coming home.
Q When was that? A That was in the winter of '66 I seed him on Lightning Creek, between Lewis' and my place; on Lightning Creek, I had just got there.
Q Where? A Between Lewis' and my place on Lightning Creek, I met him coming this way; he said he was coming to his old home.
Q That was down in Tahlequah district? A Yes sir.
Q Well, now was that before Christmas or after Christmas in 1866?
A It was just a little after Christmas.
Q How long after Christmas? A It was about between three and four weeks.
Q Well, now, did you see him any more? A I seen him ten years after that as near as I can remember.
Q Where? A Seen him on Fourteen Mile Creek.
Q On what Nation? A In the Cherokee.
Q Well, after you saw him on Fourteen mile Creek did you ever see him any more? A Not till he moved up here.
Q Well when did he move up here? A It has been between three or four years; don't know if its that long.

BY MR. HASTINGS:

- Q When did Joe die? A He died here about, can't just remember, well it ain't been, it has been over a year; maybe two years; maybe going on two years, ain't been dead so awful long.
Q Where did you live before the war? A I lived up on Cabin Creek.
Q How far was that from Vinita? A Well, about two or three miles south of Vinita.

Q Riley, is it, don't it?

A Yes, sir, before the war.

Q Where did Joe Riley live then, the war came on? A He lived way down below.

Q Well, how far from town? A I guess they called it, they called it about, well they called it 20 miles.

Q Well where, from what direction and how far from Tahlequah did Joe Riley live? A I think it was southwest from Tahlequah, kind of south, it is near, as I can remember.

Q Are you positive as to what Joe's owners name is? A They called him Riley, that is all I know about it.

Q When was the last time you were down there? A Just a little before the war.

Q How long before the war? A Well about, not quite a year.

Q Where did you see this Joe Riley, the father of this applicant, just before the war? A There is where I saw him, there was the place I am telling you now.

Q At Riley's? A Yes, sir, after they moved I suppose up here on Verdigris; where is where the man Riley died.

Q On the Verdigris? A Yes sir.

Q Did he live up there before the war? A Yes, sir, I suppose he did; he had a ranch there.

Q Well were you present when Joe Riley was before the Kern-Clifton Commission, five years ago? A Yes sir.

Q You were present were you? A Yes, sir, I seed him.

Q Did you hear Joe testify at that time as to his owner was? A Not at that time.

Q Did he know who it was? A He must of; the old man was blind, you know, he had to lead him about here and there and take him by the hand and lead him about.

Q If Joe Riley testified that Stephen Foreman was his owner before the war came up he was mistaken? A He may have told me he was from where I seed him and I got acquainted with him, he was living with old man Riley.

Q What were you doing down at Riley's? A I was with Aaron Martin, the Master, he is living on Merlins and one thing and another.

Q What kind of a house did old man Riley live in? A Double log house.

Q About how far from town? A I could not tell you just how far.

Q What kind of family did Riley have? A They must have been Cherokees.

Q How many children? A Oh, I could not tell you how many, there was young boys there.

Q How long did you stay there? A I never stayed but one or two days.

Q You don't remember about how long before the war that was?

A That was a good while before the war, I was like a small young fellow.

Q Well, if Joe Riley testified under oath before the Commission that he lived with Stephen Foreman down there during the war and continued to live for six years after the war at Tahlequah, that is a mistake about it? A I guess, I don't know, I can't tell you anything about that part of it.

Q You don't doubt that? A No, sir.

Q Well he could not have been living with Stephen Foreman down at Tahlequah and you see him coming from Kansas at one and the same time, could he? A That way he could not, but here I am telling you the truth, I saw him that winter in '66, he says I am going home; where he come from I could not tell you; I saw him there and that is the God's truth.

Q Was he blind then? A No, sir.

Q Have a wagon? A Yes sir, had an old shackling wagon.

Q Had his wife along with him? A No, sir.

- Q Well, who was along with him, this boy? A He had a boy with him, but I could not tell you which one of the boys he had a small boy with him.
- Q You could not tell whether it was Fred or Ed? A No sir, I don't know; I ain't going to tell something I don't know; if he is the boy I don't know.
- Q You don't know where he was married? A No sir.
- Q Where were you living when you saw him? A On Lightning Creek, just right across the Creek from me up on top of the fill where I met him coming towards Vinita, Vinita wasn't built then, wasn't started at that time, and there wasn't much of a road, just a path.
- Q You have got a good memory about dates? A No, I could not tell you anything about dates.
- Q You just met this fellow out in the road? A Yes sir.
- Q Just passed and went on? A Yes sir, he never stopped to my knowing, didn't stop no time; I just met him on the road he knoed me, hello my boy, isn't this Jack, and I said this is and he says I am trying to get back to my old home.
- Q He didn't come to your house and get something to eat?
- A No sir, he didn't.
- Q He just had an old shackling wagon? A Yes sir, and some old horses they was very poor; if he got there with them I could not tell you.
- Q Well who else was living in that neighborhood at that time?
- A All them Wright boys.
- Q Old man Hayden living there at that time? A No sir.
- Q Wasn't keeping a store up there? A No sir.
- Q Can't you remember anybody else that you met in that year anywhere just passing on the road? A Why there is several of them.
- Q Who else did you meet on the road that year? A I could not tell you the names exactly I met several backwards and forth you know.
- Q What year did the Wallace Court sit and make a roll?
- A I could not tell you the date.
- Q What year did you marry? A Now, for me totell you the truth, I could not tell you that; I married up in the States.
- Q What year was the Kern-Clifton Court sitting and hearing testimony like it is now? A Well, that is out of my raising.
- Q You are a little off on the dates aren't you Jack? A Now, let me tell you, a man that was raised like I was don't, can't tell nothing, Judge, about it; we just have to keep it in our heads and it slips out of our rememberance.
- Q How long have you seen this boy on Big Creek?
- A It has not been long, about ten or 12 years.
- Q Well, you knew he come from Burlington, Kansas, down there?
- A No sir, he may have come from there, I don't know.
- Q You never heard him say he come from Peoria? A No sir.
- Q What were you doing when you saw his father?
- A I was going home.
- Q Well, had you put in a crop that year? A That year following that year, that spring put ina little small patch.
- Q You had a field opened up when you saw him?
- A Yes sir, just a little patch.
- Q You had a house built? A Yes sir, little old log house, wooden chimney.
- Q You didn't say nothing about meeting him five years ago when the Kern-Clifton Commission sat, did you? A Yes, I did; after that I did; he got to inquiring, Fred, this younger brother, he got to talking about it and I said I know him.
- Q Well, before the Court? A No sir, I didn't tell it.
- Q They were hunting up witnesses to come in before the Court?
- A I don't know, I guess they was.

- Q They were wanting witness to come up ~~have~~ like they are now to prove these facts? A I guess they did.
- Q You said you were present when he testified and you never said that he stayed at Stephen Foreman's all during the war and six years afterwards? A Now, let me tell you I was on the ground just like I am now.
- Q You don't claim to be in the room? A No, sir, I was just there on the ground like I am now.

BY MR. BRECKINRIDGE:

- Q Where were you living at the time you claim to have met Joseph Riley in 1866? A On Lightning Creek.
- Q Where had you been when you met Josh Riley? A I had been to Lewis Wright's my neighbor's, and I was going back home.
- Q What direction did Lewis Wright live from you? A North, I lived south.

POLLY NIVENS, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:
BY MR. BELLETTE:

- Q What is your name? A Polly Nivens.
- Q How old are you? A 56.
- Q Where do you live, Polly? A Fort Gibson.
- Q Do you know this applicant, Ed Riley? A Yes sir.
- Q How long have you known him? A Just known him since after peace was made.
- Q Now, do you know his father, Joseph Riley? A Yes sir.
- Q When did you know him? A I got acquainted with him after peace was made at Fort Gibson.
- Q Now, do you know what year it was you saw him there? A Yes sir, it was just after peace was made when the refugees come in there, I was working there.
- Q The first year after peace was made you saw Joseph Riley there at Fort Gibson? A Yes sir.
- Q Where did you live after that? A After he left Fort Gibson?
- Q Yes. A I don't know, sir.
- Q How long did he stay around there? A I saw him there about the middle of the summer, he was a preacher and living right up on the hill and preached nearly every night in the summer.
- Q Now, do you know anything about him when he left Fort Gibson about where he went to? A He told us at the Church, he stated he was going to leave and some of the members says where are you going Uncle Joe and he said I am going to move on Fourteen mile Creek.
- Q How far is Fourteen mile creek from Fort Gibson?
- Q A I don't know.
- Q You didn't know him after that? A No sir.
- Q Well, did you ever see him any more after that? A No sir, I never seen him any more after he left Fort Gibson.

BY W. HASTINGS:

- Q He was living there at that time? A Yes sir.
- Q Living there with his wife? A Yes sir, there was an old lady with him.
- Q What was his wife's name? A I don't know, just called her Mrs. Riley.
- Q How many children had he there at that time? A He had two.
- Q Did you see this boy? A I saw this boy and a girl.
- Q How long did he stay in Fort Gibson? A He stayed until along about the last of the fall.

Q Two or three months? A Yes sir, or maybe a little longer.

Q You remember distinctly seeing him there in the summer time? A Yes sir.

Q And that stayed from the summer until the fall? A Fall, along the last of the fall.

Q And he and his wife were together? A Yes sir.

Q And this boy, the applicant? A Yes sir, that one there.

Q What is her name? A Sarah we called her; I don't know what she is going by now.

Q Was her name Sarah Riley? A Yes sir.

Q You remember these two children? A Yes sir, I don't know nothing about the youngest one.

Q Mrs. Nivens, I believe you never did see them after that fall? A No sir, I stayed in Twden and they lived up on the creek.

Q You lived near Fort Gibson? A Yes sir, I lived right there close to Fort Gibson all my life.

Q And you have lived there ever since? A Yes sir.

Q Now, you feel positive that this was the next years you say after peace? A Was the first year after peace, when the refugees was refugeeing in, all coming in and he was living on the hill in front of Conong Vann.

Q About how far from Conong Vann? A I didn't know, there was a lot of old houses up there.

Q And he had his wife with him and these two children? A Yes sir.

Q You remember that? A Yes sir, I remember that.

Q You know that Ed was one of them? A Yes sir.

Q And this girl was the other? A Yes sir, and Ed the other.

Q You recognize the applicant as being one of them? A Yes sir.

Q You are positive about that? A Yes sir.

BY COM'R NEEDLES: BRECKINRIDGE:

Q How old were the children at that time? A I could not tell you; they were good bit children, I don't know the age. I would go to church and didn't inquire about them.

Q Which seemed to be the oldest the boy or girl? A I don't know, the girl was the biggest.

Q Was she a nearly grown girl? A She was about that high (indicating).

Q About ten years old? A I don't know, she may be.

Q The girl was larger than the boy? A Yes sir.

Q That was the first time you saw Joseph and his wife after the war? A Yes sir, saw them at church.

Q There when he and his wife and these two children were together? A Yes sir, there may have been more there I didn't see them.

L. D. DANIELS, being sworn by Commissioner C. R. Breckinridge, testified as follows: BY MR. NEEDLES:

Q What is your name? A L. D. Daniels, sir.

Q What is your age? A 56.

Q Where do you live? A Claremore is my post office, I live in the Cherokee Nation.

Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.

Q On the roll of 1880? A Yes sir, on all of them.

Q Do you know this applicant here? A Yes sir.

Q Did you know his father, Joseph Riley? A Yes sir, I did.

Q Where did you know him? A I got acquainted with him at Fort Gibson, sir.

Q Was that before the war or after the war? A That was about December, 1866.

Q You saw him there at Fort Gibson? A I seen him at Gibson there.

Q How long did he live at Fort Gibson? A He was not living there

Q Well, at that time, he told me that he come from Fourteen Mile creek,

and he had stopped up there.

Q Well, now, how much did you continue to see him after that?

A Well, he stopped there with Ervin Vann, I seen him once or twice, maybe two or three times.

Q What became of him after that? A I don't know unless he went up to Fourteen mile creek where he told me he were living at.

Q Did you ever know him after that? A Yes sir.

Q Where? A I met him on the Verdigris river at John Riley's.

Q When was that? A That was in, I believe it was in '63.

Q Was John Riley a relative of his? A No sir, some of his old former owner's, John Riley told me, I stopped there to dinner and John Riley told me here is the old man that owns him..

Q John Riley was a Cherokee Indian? A Yes sir.

Q Where is he now? A He is dead.

Q You didn't know this Joseph Riley before the war? A No sir.

BY MR. HASTINGS:

Q Mr. Daniels what was Joseph Riley doing down to Fort Gibson when you knew him after the war? A He was there to Ervin Vann's when I seen him.

Q What was his occupation? A He preached once or twice to the Church house ther.

Q That was in December was it? A That was in the latter part of November or December, it was pretty cold.

Q Did you see his family? A No sir.

Q Did you know his wife? A No sir, I didn't get acquainted with her.

Q You don't know who he married then? A No, I don't know who he married at that time.

Q Did you see the applicant at that time? A No, I never seen him at that time, and I never got acquainted with them until I met Joe Riley again over there about six years ago when he brought his children up and showed me his family.

Q About six years ago you say him? A Yes, I think it was in '96.

Q You never were at Joe Riley's place until six years ago?

A Yes sir.

Q That is all? A Yes sir.

Q Polly Nivens living down there about that time was she?

A Yes sir, living right in Fort Gibson.

Q You remember seeing her about that time? A Polly I seen her every day I reckon.

ED RILEY, the applicant, recalled:

BY MR. MELLETTE:

Q What was your half brother's name you give in a while ago?

A Thomas Harlin.

Q How old is he? A Died, I don't know, he is a gray headed man, I don't know his age; he is an old man.

Q Was he your father's child? A That is what was said, father always said he was his son.

Q Well, where has he lived since you remember? A Who is that?

Q Thomas Harlin. A Down on Fourteen Mile Creek.

Q Did he live with you? A No sir.

Q How long did you live on Fourteen Mile Creek? A I guess all of about 20 years.

Q About 20 years down on Fourteen Mile Creek? A Yes sir.

Q Well, where did this Thomas Harlin live the first you knew of him? A He lived over on the hill a little south of father's.

Mr. Mellette: I would like to see if Thomas Harlin is on the 1880 roll Mr. Commissioner.

Mr. Hastings: He is not in the case and he does not claim through it.

Q Now, Ross Harlin, you say is a son of Thomas Harlin? A No sir, he is a brother of another side I think; brother on their mother's side.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and the name of Thomas Harlin found thereon, page 768, #1020, 36 years of age, Tahlequah District; page 768, #1022, John Harlin, Tahlequah District, 12 years of age.

BY COM'R BRECKINRIDGE:

Q Is that Tom Harlins' oldest child (meaning the above enrollment of John Harlin)? A I don't know whether he is the oldest one of his children.

DARCUS RILEY, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your name? A Darcus Riley.

BY MR. MELLETTE:

Q How old are you? A I am 78 years old.

Q Are you a Freedman citizen of the Cherokee Nation? A I am.

Q On the 1880 Roll? A Yes sir.

Q Do you know Joseph Riley, the father of this applicant?

A I have known him all my days, I tell you the truth I knowed him all my days.

Q To whom did he belong? A Old John Riley.

Q Where? A Close to Park Hill.

Q Was Riley a Cherokee? A Indian.

Q Where did you live at that time? A At that time I lived in Going Snakes where I knowed him, in Going Snakes District.

Q Did you marry Joseph Riley at one time? A Yes sir, I lived with him since the war, since my main husband died, Harry Buffington; well this present husband of course he was my husband while I lived with him, he is dead.

Q Can you think how long after the war it was ~~after~~ you married Joseph Riley? A No sir, I could not wished I could.

Q Where did you marry him? A Married him on Fourteen Mile Creek.

Q How long did you live with him? A Lived with him five or six years.

Q Did you separate? A No sir, we didn't separated, but he got sick and blind and I was too old to take care of him and I went to my children and he went to his.

Q His children came after him and you went to your children?

A Yes sir.

BY MR HASTINGS:

Q Auntie, the first time you ever saw him you fell in love with him?

A I loved him or I would not have married him.

Q That is a case of love at first sight was it? A (No response).

Q You never had seen him until that time, until you went to live with him? A I told you I seed him all my days, I knowed him when he was a slave of old John Riley.

Q Are you positive of that? A Yes sir.

Q To whom did you belong before the war? A I never did belong to, but one man I belonged to old man Bushyhead and I brought myself from them

- Q You lived in about Cincinnati, Arkansas? A Yes sir, lived up there in Long Snake.
- Q And this man Riley lived about 35 or 40 miles? A Yes sir that was nothing for me.
- Q Well, when were you down to Tahlequah first; when was the first time you ever saw the town? A Eh, I have been to see Tahlequah that I can't tell you how often I have been there.
- Q Well, before the war? A That is what I am telling you.
- Q You were there before the war? A Yes sir, been to the Seminary to see my young mistress that was going to school.
- Q Where was the Seminary? A You know where it was, out by Park Hill.
- Q How far did Riley live from the Seminary? A Riley lived a little while from Stephen Foreman.
- Q You go by the name of Karcus Buffington, don't you? A Yes sir, that is my name, I married a man by the name.
- Q You were married to Joe Riley? A Yes sir.
- Q Lawfully? A Yes sir, by a Preacher.
- Q Aunt, you drew a pension? A Yes sir.
- Q You are drawing it as a widow of a Buffington? A No sir, I ain't drawing this pension because I married and after that I was the nurse for the soldiers, that is what I am getting my pension for.
- Q As a nurse? A Yes sir, as a nurse for the hospital.
- Q And not as a widow of your husband Buffington? A No sir, I could not get that.
- Q Well, how long was it before you saw him after the war until you married him? A That here Joe Riley he went down there before they made this here treaty.
- Q You saw him down there? A Yes sir.
- Q Before the treaty was made? A Yes sir, he come down; he heard they sent after all the negroes to come in and be in time and he was in time for he met Mr. Buffington and Mr. Buffington told me well my Uncle Joe you are in time and so come back and tend to your business.
- Q Well, how do you know Mr. Buffington met him?
- A I have no right to believe my husband lied.
- Q You didn't know that Mr. Buffington was in California at that time? A No sir, I know when he come from Tahlequah after his brother was killed he come right home.
- Q Well, now, I am trying to get at about how many years before you married Joe Riley was it you saw him there? A It was a good while because my husband was living at that time.
- Q Well, was this boy with him when you saw him first? A No sir, he never brought him down until after my husband died. He had been dead about eight or ten years.
- Q And he never brought this boy back until then? A No sir, they brought him back before that and had him staying at Joe Roger's and had him there going to school.
- Q Well, about how big a boy was he when he first come down there?
- A I can't tell that, he was up about so (indicating).
- Q Did he have brothers and sisters at that time? A Yes sir; they are all older than he is.
- Q He is the baby? A Yes sir.
- Q How long did he stay down there on Fourteen Mile Creek?
- A I say I can't tell you.
- Q Did he stay there three years? A Yes sir, longer.
- Q Six, five or six? A Yes sir.
- Q Well how long after they have the Cholera down there before you saw Joe Riley? A It was pretty much at the time.
- Q About the time they had the cholera down there?
- A Yes sir, I know they had the cholera down there; they had the cholera down there when we was in camp and afterwards had the cholera

- down there.
- Q Where did his first wife die? A I can't tell you that neither.
- Q Did you ever see his first wife? A I was just as well acquainted with her as I was this boy.
- Q What was her name? A Her name was Mary Paris.
- Q You don't know where she died? A No sir, I don't.
- Q Was any of these children by his first wife born down there on Fourteen Mile Creek? A No sir, I don't think they were.
- Q They were all born before he came down there? A Yes sir.
- Q How long did Joe Riley stay around there when you first saw him? A Well he had a son down there was Tom Harlin.
- Q And the rest of the family wasn't down there? A I reckon they was.
- Q Were they staying with Tom, too? A Yes, all was staying with Tom.
- Q That was after the boy was up some size? A He was a small boy.
- Q Five or six years of age? A Yes sir.
- Q Was that the first time you ever saw him when he was about with them? A Yes sir, the first time I saw him.
- Q Was that the first time you saw Joe Riley when this boy was staying with Tom Harlin? A Gentlemen I told you I knowed him all my days.
- Q I mean after the war? A Yes sir, that is the first time.
- Q That is the first time you saw Joe Riley after the war? A Yes sir.
- Q Was when this boy was staying with Tom Harlin? A Yes sir.
- Q You are positive about that? A I am positive about everything I tell you.
- Q Where were his brothers staying at that time? A Up about Vinita somewheres about there.
- Q That is when you first saw Joe Riley after the war, not before the war, his three children were up there about Vinita?
- A Yes sir, when I first saw Joe Riley after the war this boy was down on Fourteen Mile Creek.
- Q That is where this boy was then? A Yes sir, he was going to school there.
- Q That was near your home, was it? A Yes sir, it was.
- Q You are positive about that are you? A I am positive about everything I tell you.
- Q And this boy was five or six years of age? A He must have been that, he was small.

BY MR MELLETT:

- Q Which is the older child? A Of these children.
- Q Yes? A Sarah is the oldest one.

COM'R BRECKINRIDGE: The applicant applies for the enrollment of himself, his wife and four children. The applicant is identified upon the Kern-Clifton ~~roll~~ but not upon the roll of 1880 or 1896. He claims to have lived in the Cherokee Nation all his life. Neither his father or mother are identified on the 1880 roll, the former being dead a little over a year, and the latter some 12 years. He states that both were slaves in the Cherokee Nation at the time of the Civil War and that seems to be reasonably established. The time of their return, however, is not so well established. The testimony is conflicting, but the weight of it indicates that they were not identified in the Cherokee Nation until some year after the period required in the treaty of 1866.

The applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card for the further consideration of his testimony indicated. The applicant's wife is a state woman. He states that he was never married previous to his marriage to her, and he states that she was never previous to her marriage to him. It is established that they were married some 11 years ago, and that they have lived together ever since as husband and wife. She will now be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card and it will be necessary for her in person to give testimony in regard to any previous marriage that she may have had.

As for the four children, the oldest one, Nat Riley, is identified upon the Kern-Clifton roll. This child is now living and it will be listed for enrollment as a Cherokee Freedman on a doubtful card to await the determination of the status of his father, and it may be to await evidence as to whether his mother was ever previously married, though little doubt is entertained at this time that she was married. The remaining three children are not upon any roll. They will be listed for enrollment at this time as Cherokee Freedmen on a doubtful card and the applicant is desired to supply the Commission with certificates of their birth. They are all said to be living at this time. The final decision of the Commission will be known to the applicant at his post office in regard to all these applications.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. ROSSON.

Subscribed and sworn to before me this 25th day of June, 1901.

(Signed) T. B. NEEDLES,
Commissioner.

Josie Davies, stenographer to the Commission to the Five Civilized Tribes, having been first duly sworn, states: That the above and foregoing is a true and complete copy of the original testimony now on file with the Commission.

Josie Davies

Subscribed and sworn to before me this December 19, 1904.

Charles W. Sawyer
Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11, 1901.

In the matter of the application of Ed Riley for the enrollment of himself and four children as Cherokee Freedman, and for his wife as an intermarried Cherokee Freedman; being sworn and examined by Commissioner Breckinridge, he testified as follows:

Appearances:

Mr. Mellette, of Mellette & Smith, for applicant;
Mr. Hastings, for the Cherokee Nation.

- Q Give me your name? A Ed Riley.
Q How old are you? A 33.
Q What is your post office address? A Hayden.
Q In what district do you live? A Cowles school.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for anybody besides yourself? A Yes sir, I have four children.
Q Have you a wife you want to apply for? A No sir, my wife is a state woman.
Q How long since you married your wife? A I guess it has been about eleven years.
Com'r: You had better apply for her, she may have some rights.
Q How long have you lived in the Cherokee Nation? A All my life.
Q You were born in the Nation? A Yes sir.
Q And lived here always? A Yes sir.
Q Give me the name of your father? A Joseph Riley.
Q Is he dead? A Yes sir.
Q How long has he been dead? A Since January '99 I believe, about two years.
Q Give me the name of your mother? A Mary Riley.
Q Is she dead? A Yes sir.
Q How long has she been dead? A She has been dead I guess about 12 or 14 years.
Q Was your father a Cherokee Freedman? A Yes sir.
Q Was your mother a Cherokee Freedman? A Yes sir.
Q You think they were both slaves in the Cherokee Nation when the war broke out? A That's what they say.
Q Who is it that you understood to be your father's owner?
A John Riley.
Q Was he a well known citizen of the Cherokee Nation? A I suppose he was, that's my understanding.
Q Who was it your mother said she belonged to? A Bob Parris.
Q Give me the name of your wife? A Mary Riley.
Q How old is your wife? A Thirty.
Q You say you and she were married some eleven years ago?
A Yes sir.
Q Have you a certificate of marriage? A No sir, I haven't.
Q Did a preacher marry you? A Yes sir.
Q What preacher? A W. P. Jones.
Q Is he living? A No sir.
Q Were you ever married except to this woman? A No sir.
Q Was she ever married except to you? A Not to my knowing.
Q Where is she? A She lives out on Lightning Creek.
Q Is she out at home now? A Yes sir.
Q How long did you know her before you married her? A About eight months.
Q You never heard of her having been married? A No sir.
Q She passed as an unmarried woman? A Yes sir.
Q Where were her people from? A Pennsylvania.
Q How long had they been in the Territory? A About two years.
Q Did you marry her in the Territory? A Yes sir.

Exhibit 100

- Q Give me the names of your children? A The Riley.
Q How old is Mat? A He is four years old.
Q Next child? A Jessie Riley.
Q Boy or girl? A It is a girl.
Q How old is Jessie? A Seven years old.
Q Next child? A Howard.
Q How old is Howard? A Four years old.
Q Next child? A Annie.
Q How old is Annie? A She isn't a year old, yet, she is about
of six months I guess, or nine.
Q Are there children all living now? A All but one.
Q I can't hear you? A Yes sir, they are all living.

1880 authenticated roll of citizens of the Cherokee Nation ex-
amined and applicant not found thereon.
1890 census roll of citizens of the Cherokee Nation examined
and applicants not identified thereon.

- Q Did you draw Strip money? A Yes sir.
Q What district were you in when you drew your Strip money?
A We were in Tahlequah District when we enrolled with the Kerns
Clifton roll.

Kerns-Clifton pay roll of citizens of the Cherokee Nation ex-
amined and applicants identified thereon as follows:
page 105 #4066 Ed Riley, Tahlequah District;
page 105 #4068 Matt Riley, Tahlequah District;
"In the family of Joseph Riley, three years old."

- Q Was there any Mat except your child? A Not in that family.
Q Did your father have a child named Mat? A No sir.
Q Is Mat is with Joseph Riley, that's your dead father? A Yes sir.
Q Was the child living with your father? A No sir, it wasn't living
with my father, my father was living with me.
Q Your father was living with you? A Yes sir.
Q You only drew for Mat? A Drew for Mat and one they called Fred.
Q Fred is dead? A Yes sir.
Q Is there here who knows about you and your wife being mar-
ried? A My brother knows it I guess.

Richard Riley, being sworn and examined by Court Clerk Kinbridge,
testified as follows:

- Q Give me your name? A Richard Riley.
Q How old are you? A 31.
Q What is your post office? A Hayden.
Q Are you a brother of the applicant here? A Yes sir.
Q Is your brother married? A Yes sir.
Q How long has he been married? A About eleven years.
Q What is the name of his wife? A Mary.
Q What was her name when he married her? A Matthew.
Q What was the name of her father? A Sam Matthew.
Q What was the name of her mother? A Lizzie, I believe.
Q Was your mother ever married except to this woman? A No sir.
Q How long did you know her before she married your brother? A
About four or five months.
Q Did you ever hear of her being married before she married him?
A No sir.

1880 authenticated roll of citizens of the Cherokee Nation ex-
amined for Joseph and Mary Riley, and names not found thereon.

HV 70. 1967-1968:

Q Where have you lived since you came to the United States?

Now how my friends have said I have two more to go.

C I mean alive? A There's four.

W. H. C. 1899. All rights reserved.

Q Now the next one? A Fred Riley. He lives on the morning; that is, he is about 20 years old.

Q Who was his father. A My father was said to be a farmer.

Q. "Vellente: Now give me your other brother, named Kabe?"

Q He is not your brother is he? A I live in four, First, North, and
Ed and Thomas Hartman.

Q What is the name? A Santa Fe Co.

BY COM'Y OF CRIMINALS:

III. PLANTS:

Q Where is your post-office? A Havana.

Q Where did you come from when you moved to Hadden? A Fourteen mile Creek.

Q Who were your neighbors on Fourteen mile Creek? A Jim Parris,

Q. How far did you live from Tom Beavert? A I guess about a mile, West.

Q How long did you live there continuously at the time, right there? A When I was about 12 years old I remember moving over there to Timbered Hill, and then we stayed there quite awhile.

How far from Bluejacket? A About 1 1/2 or two or three miles west.

Q. Then you went from Timbered Hill where? A. Back down in the lower country.

Q And you were living out there, as you remember, by Bass Harbor? A Yes sir.

Q Did you know Nelse Lowery? A Slightly.

Q You know Andy Carter? A No sir.

Q You ever in Kansas? A No sir.

Q. What is your occupation? A. Yes sir, I am a
 Minister.
 Q. Your wife was State raised? A. Yes sir.
 Q. Where were you married to her? A. Married in the State of Ohio.

Mr. J. H. Green, San Francisco, sworn, states that he was present at the mission of the Five Civilized Tribes to correctly ascertain the testimony and proceedings in this case and that he has the original true and complete transcript of his stenographic notes thereof.

(Signature)

Subscribed and sworn to before me this Jan 21, 1901.

(signed) T. J. Neelands,
Commander.

THIS CASE CONTINUED BY STENOGRAPHER

File with C. F. D-696, Ed Riley.

SUPPLEMENTAL: C. F. D-696, Ed Riley.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 25, 1901.

In the matter of the application of Ed Riley for enrollment
as a Cherokee Freedman.

TESTIMONY ON THE PART OF THE CHEROKEE NATION.

Appearances:

Jr. Smith, of Mellette & Smith, attorneys for Applicant;
W.W. Hastings, Esq., of attorneys for the Cherokee Nation.

(Witnesses placed under rule.)

EMILY HUMPHRIES, being sworn by Commissioner Needles, testified as follows:

BY W. W. HASTINGS:

Q What is your name? A Emily Humphries.
Q Aunty, where were you living before the war? A Out here about
6 miles from Fort Gibson, on the place that Jack Gott lives on now.
Q East of Fort Gibson? A Yes sir.
Q Where did you go during the war? A I come here to Fort Gibson.
Q Where did you go just after the war? A I went back on the
what's called the Four Mile Branch.
Q Is that east of here, out towards Tahlequah? A Yes sir.
Q How long did you live out in that country? Neighborhood; the
first few years after the war? A I lived there three years.
Q Then where did you go, auntie? A I moved from there to Spring
Creek.
Q How long did you live at Spring Creek? A I lived there 8 years.
Q Then where did you go, auntie? A I came right back to Four Mile
Branch, where Joe Ross lives.
Q And you lived there a number of years did you? A I lived there
some 4 or 5 years.
Q Did you know a colored man by the name of Joe Riley? A Yes sir,
I knew him.
Q Did you know him before the war? A Yes sir.
Q Where did he live before the war? A He lived at the same place
I told you I lived, where Jack Gott lives, and his owners sold him
to Steven Foreman's wife, daughter of old man Riley's, and he lived
with Foreman until the war got up.
Q You knew Joe Riley awhile before the war? A I did; we lived
together as fellow servants.
Q I believe you said you were in Fort Gibson during the war? A I
stayed here during the war in Fort Gibson.
Q And then went out on Four Mile Creek and stayed three years after
the war? A Yes sir, Four mile Branch. The cholera got up and caused
us to leave Fort Gibson.
Q You went there when the cholera broke out here? A Yes sir.
Q Was that after the war or during the war? A Just after the war.
Q Now when was the first time you saw Joe Riley down here after
the war? A First time I remember seeing Joe Riley was after I come
from the Spring Creek.
Q About how many years was that after the war, your best judgment?
A I guess it was about 8 or 9 years as near as I can guess.
Q Where did you see Joe the first time after the war? A He come to
my house, I had then moved to Tahlequah; he come to my house and
stayed with me several weeks.
Q Did he bring any children there? A He brought his youngest child
with him by the name of Fred.
Q How old was Fred at that time? A I don't suppose he was more
than about 10 or 12 years old, just a boy.

Q You know whether Ted was born before the war or after the war?
A He must have been born after the war; he wasn't born before the war; born after the war.
Q Did he have just the one child with him? A He only had one with me but he said he had others, but I didn't see them.
Q You know where he came from when he came to your house? A I guess he came from Kansas, that's where he left his family.
Q How do you know about that? A He said he left his family up there.
MR. SMITH: I object to that, because it is hearsay.
Q He said his family was up in Kansas? A He left his family up there.
Q Did this man ever lived with Dorcas Buffington? A Yes sir, he married her.
Q Was that before or after you saw him at Tahlequah? A He married her after he came to my house; stayed around my place, and after that he married Dorcas Buffington and moved to 14 Mile Creek and lived with her and he went blind and his children took him home and took care of him until he died.
Q That was the first time you ever saw him after the war when he came to your house at Tahlequah? A Yes sir.
Q You lived here until the cholera broke out? A Yes sir.
Q You lived over here on Four Mile Branch and lived there about three years? A Yes sir.
Q You went then to Spring Creek and lived there about- and then where did you go? A Back to Four Mile Branch.
Q How long did you stay at Four Mile Branch then before you went to Tahlequah? A I don't remember; I stayed some time and then I moved to Tahlequah.
Q You never saw Joe Riley while you were here at Fort Gibson?
A No sir.
Q Did you see him while you were out here on Four Mile Branch?
A Yes sir.
Q You had been fellow servants with him before the war? A Yes sir.
BY MR. SMITH:
Q What did you say your name was? A Philo Humphries.
Q How far is Spring Creek from here? A I don't know, it is called 16 miles from Tahlequah.
Q How far is Spring Creek from 14 Mile Creek? A I don't know.
Q Aint that it, 14 Mile Creek? A You are talking about the 4 Mile Branch I guess.
Q Now the 14 Mile Creek is one thing and the 4 Mile Branch is another? A 14 Mile Creek is between Tahlequah and where I live at Spring Creek, 14 Mile Creek is between the two places; I don't suppose it is more than about-
Q From here I am talking about? A Oh from here, I guess it is no more than about 10 or 12 miles from here to 14 Mile Creek; I never traveled the road, I don't know the road.
Q Then when you moved from here out to Four Mile Branch how far would you pass from 14 Mile Creek? A I don't know, 5 or 6 miles I guess, about 8 miles, that's what it is.
Q All you know about this matter is that you didn't see Joe Riley yourself until several years after the war? A I never saw him until after the war.

COLUMBUS LASLEY, being sworn by Commissioner Needler, testified as follows:

BY MR. HASTINGS:

Q What is your name? A Columbus Lasley.
Q How old are you? A 53.
Q Where did you live during the war? A Around here at Fort Gibson.
Q Where did you live just after the war? A I lived in Tahlequah District just after the war, out here on 4 Mile Branch.

Exhibit (sup'1) 3

Q Did you live out in there before you moved? A I lived there until '74.

Q Did you know Aunt Dorcas Buffington? A Yes sir.

Q Did you ever know an old man by the name of Joe Riley, an old man, preacher? A Yes sir.

Q Did you know him before the war? A No sir.

Q How long did you stay in Fort Gibson before you went out to 4 Mile Branch? A I come here in Fort Gibson alone in '67 I believe, and moved out there in '67.

Q When was the first time you ever saw Joe Riley after the war?

A About '80 or '81.

Q Where did he live? A He was just stopping with his son, Peter, when I first knew him on 14 Mile Creek.

Q Did he ever live with Dorcas Buffington or Dorcas Riley?

A No sir.

Q Was it before or after that time that he lived with her? After that.

Q About how long did he live with her? A About a year or more, couple of years, something like that.

Q Did any of his children live down there with him? A Not that I know of, only Tom.

Q Tom is living up there; he goes by the name of Tom Harlin yet?

A Yes sir; he lived with Tom, best of my recollection.

BY MR. SMITH:

Q You are just testifying to the best of your recollection now are you, Columbus? A First time I saw him about '80 or '81.

Q Were you ever at his son Thomas? A Yes sir.

Q When were you at Thomas? A I have been there several times.

Q Were you there during '80 and '81 at Thomas' house? A I can't know just whether I was there then or not.

Q Just whether Joe Riley had a family anywhere in the Cherokee Nation you don't know? A No sir.

W.H. MARKHAM, being sworn by Commissioner Needles, testified as follows:

BY MR. HASTINGS:

Q What is your name? A W.H. Markham.

Q Where do you live? A 6 miles east of Fort Gibson, Indian District.

Q Did you ever live up near Bluejacket? A Yes sir.

Q When did you live there? A Lived there 20 years ago and lived there about 11 years ago.

Q Did you ever know a colored man who claimed to live up there by the name of Joe Riley? A Yes sir.

Q Old man or a young man? A An old man.

Q You know any of his children? A No sir.

Q Did he have any children? A Said to have, that's all I know about that.

Q Have a wife? A Yes sir.

Q Which came to the neighborhood of Bluejacket first, you or him?

A I came there first, I lived 6 miles west of Bluejacket on Pine Cabin Creek, and when I saw him he lived on the Timbered Hill, what they called Timbered Hill, about half-way between Bluejacket and Pine Cabin Creek.

Q Half way between town and the place you lived? A Yes sir, in the neighborhood there.

Q You know where he came from when he came there? A I know what he said.

MR. SMITH: Q What who said? A Joe Riley.

MR. SMITH: I object to what Joe Riley said, because he is not a party to this proceeding.

COM'R NEEDLES: He is the party through whom these people claim.

A He said they moved from Exporia down in there.

Q Emporia, Kansas? A Yes sir.
Q He told you that at the time? A Yes sir.
Q About how long after you came to that country did they move in there? A I am not real certain how long, I went there 20 years ago, and it was a year or two later, I don't know exactly; they moved in and before I knew anything about it they moved away again.
Q You had this talk with him while he lived there? A Yes sir.
Q How long did they live around there? A I am not able to tell you, it was sometime though, quite a while.
Q Was it two or three or four or five years, or something like that give some estimate? A It wouldn't be 5.
Q Less than 5 then? A Yes sir, I presume it was less than 2.
Q That's your best judgment is it? A Yes sir.

BY MR. SMITH:

Q You don't know anything about where he was living 25 years ago? A No sir.
Q Not 30 years ago? A No sir.
Q Nor 35 years ago? A No sir.
Q You don't know where he was in '66? A No sir.
Q Or '67? A I wasn't in this country, sir.
Q He didn't undertake to tell you how long, if he came from Emporia, Kansas, he had lived at Emporia, Kansas, before you saw him? A No sir, I don't recollect just all the conversation.
Q He might have been living at Emporia 6 months before he came down there, or a year?

MR. HASTINGS: Oh that's improper. Comes now the Representatives of the Cherokee Nation and protest against any such cross examination, because it does not bring out anything, nor does it seek to bring out anything at all, or attempt to bring out anything on cross-examination.

MR. SMITH: I have the right to test him to test his right of conversation.

COM'R NEEDLES: Go on and test him.

Q All he told you in that conversation was that he came from Emporia, Kansas? A That's the understanding I had.
Q He didn't undertake to tell you how long he had lived in Kansas, or when he went there? A No sir.

EMILY HUMPHRIES, re-called and further examined, testified
BY MR. HASTINGS:

Q How long did he live with Aunt Dorcas as husband and wife? A I don't really know, Mr. Hastings; something near 2 years I think though.

BY MR. SMITH:

Q Where were they living when they lived together? A They were living on 14 Mile Creek.
Q Did you see them? A I saw them frequently in passing, but I never was at their house.
Q You don't really know how long they lived together? A I think they lived there 2 years; the old man went blind.
Q You know what became of him when he went blind? A His children took him home and took care of him until he died.
Q Where did he die? A Somewhere up in Coowascookee, I don't know exactly where, but it was where his children was living.
Q Was his children living in Coowascookee? A Yes sir.
Q And they took him from down here and took him up there? A Took him from his home down here with Dorcas.

BY MR. HASTINGS:

Q You don't know where they took him? A No sir.
Q You wasn't up there? A No sir.
Q You didn't see him after that? A No sir.
Q All you know about it is hearsay? A I heard they come after him.

BY MR. SMITH:

Q. When Joe Riley left the hotel he was going at tonight to the where he was going? When he went blind? A. No sir, I never saw him, I never saw him after he got blind.

Q. You didn't hear him say where he was going to? A. No sir.

BY THE COURT: EXHIBIT

W. E. B. DUBOIS

I want this report on the 706 and 709, Sarah Flynn, known as the "Red Headed Girl".

WILLY HUTHRIEMER, a married man of 40 years of age, testified:
 "I am a resident of the city of New York."

On June 1, 1964, the following information was received from the
 call: "The child's name is thought to be 'A. L. B.'
 call him 'Reddie'."

Q About how old was he? A He was about 11 or 12 years old I guess.

W.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me, this November 7th, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 11th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of ED
RILEY, ET AL., as Cherokee Freedmen, introduced on part of Cherokee
Nation:

APPEARANCES:

Mr. Mellette, of Counsel for applicant;
Mr. Hastings, of Counsel for Cherokee Nation.

TOM HARLIN, being duly sworn by commissioner Needles,
testified as follows on part of Cherokee Nation:

Q. HASTINGS: What is your name? A. Tom Harlin.

Q. What is your age, Mr. Harlin? A. I am about 57 years old.

Q. What is your post office? A. Chouteau.

Q. Mr. Harlin, where did you live after the war, just directly
after the war next year, when the war closed? A. I lived at Port
Gibson a while, made a crop of corn there and then I moved on Four-
teen Mile Creek and been living there ever since until about two
years ago.

Q. Do you know what year you moved on Fourteen Mile Creek? A. I
moved in the fall of '88.

Q. About how far from Port Gibson was that? A. That one was ten
miles.

Q. Believe you stated you lived there until two years ago?

A. Yes, sir.

Q. When you lived there what was your trading point? A. Port
Gibson.

Q. Do you know a colored man by the name of Joe Riley? A. Yes.

Q. I have reference, Tom, to the Joe Riley that afterwards married
sunt Emily Humphreys, or lived with her? A. I don't know the man
that married Emily Humphreys.

Q. I mean Darkus Buffington? A. I know him.

Q. When did you first see him after the war? A. I think I told you
somewhere about '80.

Q. Is that your best judgment? A. I thought it was about that, I
think that were about it.

Q. How long did you see him at that time? A. He come to my house
there.

Q. How long did he stay there? A. I don't know exactly; he stayed
there, he stayed there a while.

Q. Well, about how long, your best judgment? A. I guess he must
have stayed there two or three weeks.

Q. Was any one with him at that time? A. No, he just come there by
himself.

Q. He had no members of his family with him? A. No, sir.

Q. When did you next see him? A. Well, I don't know the date when
I seen him, he come to my house again and have a boy with him.

Q. What boy did he bring with him? A. Fred.

Q. About how old was Fred at that time? A. Well, I don't know; he
was pretty good sized boy, about 14 or 15.

Q. Well, you best judgment as to his age? A. Well, I don't know,
I could not tell you how old he was.

Q. Was he grown? A. No, Fred was just a boy then.

Q. Well, about, your best judgment as to how old he was; I know you
don't know the exact age he looked to be? A. Well, I guess he was
about 12 or 14 years old.

Q. Well, how long did he stay at your house that time? A. He stay-
ed there a good while and married Darkus Buffington after that.

- Q Well, about how long ago was that that he was there a second time after he married Darkus Buffington? A Well I guess it has been since he married her, I could not exactly tell, it may have been eight or nine years.
- Q How long did he live around there then? A He lived there until him and her parted.
- Q Well, about how many years? A They lived together five or six years, I think it was.
- Q He went blind then didn't he? A Yes, sir, and she left him.
- Q Well, where was Fred during that time? A I think Fred was staying, rented a place over in the Creek Nation about Muskogee.
- Q Did you ever see any of the rest of his children over there on Fourteen Mile Creek? A Yes, I think I seen a daughter there.
- Q What? A I saw his daughter Sarah come there.
- Q Well, when did she come? A I don't know exactly when she come.
- Q Was it after Joe come or before that? A She come there after the oldman was married to Darkus Buffington.
- Q Did any of the rest of the children come over into that neighborhood that you know of? (No response.)
- Q Did you ever see any of the rest of them over there? A I don't recollect.
- Q Did you ever see Ed over there? A I told you Ed come there.
- Q I thought you said it was Fred? (No response.)
- Q Well, when did Ed come? A I thought I told you he come there after they married, some four years, I thought I told you that.
- Q Ed come after he married Darkus Buffington? A (No response.)
- Q Well, how long did Ed stay there? A I don't know, I can't recollect much now, I am getting old.
- Q Did Ed ever live with you? A He has been to my house, he never lived with me, he lived with me a short time up there.
- Q I mean how long did he ever stay at your house? A He stayed there a little while.
- Q Well, two or three weeks or longer or shorter? (No response.)
- Q Your best judgment, Tom, as to the length of time he stayed around your place? A He was passing there and come and stayed all night with me sometimes.
- Q Well, he never lived there then? A No, sir.
- Q Now, I believe you stated that about the first time you saw Joe Riley after the war your best judgment was about eighty? A I told you the 1st time colored people drawed with the Cherokees.
- Q Last time colored people drawed with the Cherokees? A Yes, sir.
- Q Now, what kin is this Joe Riley to you? A He said I was his son.
- Q This Ed Riley then would be your brother, half brother? A Yes, sir, be what he would.
- MR. BELLETT: Well, Tom, you don't remember very certainly anything about this man, do you? A Which man?
- Q Joe Riley. A Yes, I remember him when I see him.
- Q Now, how long has it been since 1880? A It has been about 21 or 2 years, in my judgment.
- Q You said that you saw Joseph Riley the first time the last time the colored people draw with the Cherokees? A Yes.
- Q Well, that was about 1875 wasn't it? A I don't know, I can't read and write.
- Q Well, you didn't mean to say then that you saw Joe Riley in 1880, then did you? A I told you the last time that I drawed with the Cherokees.
- Q You don't know when that was do you? A No, sir.
- Q You don't know whether Joe Riley was in Fort Gibson in '86 or not, do you? A No, sir.
- Q You don't know where he was in '70, do you? A I don't know when that is.
- Q What? A I don't know when '70 is, I ain't educated.

- Q How long is '70 after '60? A I don't know, sir.
- Q Can't tell? A No, I ain't educated, if I was educated I like you I could tell.
- Q This man, Joe Riley, come then up, could have been up around in that country without you seeing him? A Yes, sir, I wasn't all over the country then, I lived there on Fourteen Mile Creek until I moved to Brushy.
- Q You can't say that he was not in this country in 1866 can you?
- Q No, sir, I can't say that, I am saying what I know.
- Q You saw him on Fourteen Mile Creek about the time the colored people drew the last time with the Cherokees? A Yes, sir.
- MR. HASTINGS: You are said to be his son? A That is what he told me.
- Q You recognize him as your father? A Yes, I call him father.
- MR. BELLETT: Did you know anything about him until you saw him there on Fourteen Mile Creek? A I saw him before the war.
- Q Did you recognize him? A He said I was his son.
- Q Did you recognize him when you saw him on Fourteen Mile Creek?
- A He was the same man.
- Q How did he happen to find you on Fourteen Mile Creek?
- A Just like anybody else, inquired and come to my house.
- Q And he just found you there? A Yes, he found me there on Fourteen Mile Creek.
- Q How many years did he live there? A I don't know, now, I done told you I can't recollect. You want me to tell a lie and I ain't going to tell it.
- Q You are not going to say how long he lived there? A No, sir, I told you two or three times.

AUSTIN W. FOREMAN, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

- MR. HASTINGS: What is your name? A Austin W. Foreman.
- Q Where do you live, Mr. Foreman? A Vinita, I. T.
- Q You are a Physician, aren't you? A Yes, sir.
- Q What is your age? A 46, born in '55 August.
- Q Did you know a colored man before the war by the name of Joseph Riley? A Yes, sir.
- Q Well, where did you know him? A I knew him at my home at Park Hill, five miles south of Tahlequah.
- Q Well, whom did he belong to when the war came up? A He belonged to my father.
- Q Who had owned him before your father had? A I don't know.
- Q Well, it is the understanding he belonged to some of the Rileys?
- A Some of the Rileys.
- Q Well, do you know a son of his by the name of Ed Riley?
- A Well, no and yes too; there was a young man came to me and told me his name was Ed Riley and was son of Joe Riley, that has been a few years ago.
- Q Well, where did he live at that time? A I ~~must~~ could not answer that question.
- Q Where did he say he lived? A I got that impressions though that he lived out west here somewhere, that was just a few years ago, three or four years ago perhaps.
- Q Have you ever seen Joe Riley since the war? A I have.
- Q Where did you see him? A I saw him in Vinita, this place.
- Q Is this the same Joe Riley you are speaking about? A Yes, sir, same Joe Riley.
- Q Well, about how long ago? A Well, it has been about 17 years ago.
- Q Did you have any conversation with him at that time? A I did.
- Q What did he say, I mean with reference to where he lived and his return.

Mr. Bellette: I object to the testimony upon the ground that the conversation was not with the applicant and it does not bind the applicant.

Com'r Needles: The objection will be noted.

Q He was from Kansas and had come down to live in this country. Well, did he say where he actually lived at that time? A He was putting up and stopping and building up here at Timbered Hill. Q Where is Timbered Hill from here? A Something like 5E, 8 or 10 miles from here.

Q How far from Bluejacket? A I suppose three or four miles. Q And he say where he was from in Kansas? A He might have but I don't remember the town, I remember the State distinctly though. Q Did he say how long he had been from Kansas? A Had just come down, the impression he gave me, he just came down and was building a house up on Timbered Hill.

Q Have any family with him? A Said his family was with him. Q Well, did you see Joe after that? A Several times after that, yes, sir.

Q You afterwards saw a boy by the name of Ed? A I few years ago.

Q Claimed that Joe Riley was his father? A Yes, sir.

Q You know what finally became of this Joe Riley you speak of? A I think they went back to Kansas; the talk with me at that time was he was talking about selling later on, selling his improvements.

Q Do you know whether he is alive now or not? A I heard he was dead.

Q Do you know whether his eye sight was ever impaired or not?

A I heard

Mr. Bellette: Now, please Doctor, don't talk as to what you heard.

Q You never saw him after he went blind? A No, sir.

Q Did you recognize him when you saw him after the war? A Yes, sir.

Q Talked with him about old times? A Yes, sir.

Q Asked him about his whereabouts? A Yes, sir.

MR. BELLETTE: You don't know where he was in 1866 and during that time on up to the time you saw him? A Not in '66.

Q Well, you don't know where he was in '70, do you? A Not in '70.

Q According to your testimony you must have seen him about 1874, 17 years ago? A Well, that is the first time since '62; I first saw him in '62 and I next saw him 17 years ago.

Q Now, you have given your impression as to what he said about where he was from at that time, you say your impression is that he was from Kansas? A He told me that, no px impression about that.

Q He didn't go on and explain how long he had been there? A No, sir, not the number of years.

Q Well, isn't it a fact he died here in this country there? You talked there a while ago and said what you heard; you said what you heard there, said your impression a while ago? A I understand he died in this country.

Q In this country? A No, I don't know where he died; take that part back.

Q You don't intend to say as a fact he went back to Kansas?

A No, sir. I don't know where he went but I haven't seen him since.

MR. HASTINGS: Where was John Riley living with reference to your father before the war? A Well, the only John Riley I know was my uncle.

Q Where did he live? A He lived down there about the bayou, between Port Gibson and Tahlequah, between Port Gibson and Park Hill.

Q How far from your father? A The bayou is about 12 miles I think.

MR. BELLETTE: Doctor, your father a Cherokee, was he?

A Yes, sir.

Q Citizen of the Cherokee Nation? A Yes, sir.

Q. BENDLER: Doctor, do you know how old this Ed Riley was when his father that time? A. I do not.
Q. Do you know whether he was a minor or grown? A. I do not.

Q. WILLIE SKIDG, being duly sworn by Commissioner Needles, testified as follows: On part of Cherokee Nation:

Q. LASTING: What is your name? A. Granville Craig.
Q. Do you live on the Cherokee Nation? A. Yes, sir.

Q. Do you live on the Cherokee Nation? A. Yes, sir.
Q. How far do you live from the timber? A. I live about 12 miles north of

here on the Cabin.
Q. How far from the bluejacket? A. Five miles west.

Q. How far from the timbered hill out there? A. About a mile.
Q. How long have you lived in the neighborhood of that timbered hill? A. Ever since 1890.

Q. Did you ever settle there in 1890? A. Yes, sir.
Q. How far from the timbered hill? A. About a mile.

Q. Did you ever see a colored man up in that country by the name of Joe Riley? A. Yes, sir.

Q. Was he there when you settled there? A. No, sir.
Q. Did he ever settle there? A. He told me his name was Joe Riley and went by that name.

Q. How long did he locate there? A. I think it has been probably about 15 years or 20 years there, don't remember just the time.

Q. How far did he locate from you? A. About two miles.
Q. In the timber or timber? A. Right in the timber, a spring in the timbered hill.

Q. Is that a prairie country or timbered? A. Prairie country around the timbered hill.

Q. About how much land in that timbered hill? A. I expect it has five or six thousand acres.

Q. How long did he live there? A. I think he lived there about a year, or hardly that long.

Q. What because of his improvements? A. I bought them, what he had there.

Q. You know where he went from there? A. No, I don't, he told me he was going back to Kansas, told me he was from Kansas and was going back there, I bought him out and I don't know where he went.

Q. Did he have any children? A. Yes, I think he had four or five, there was four or five there.

Q. Do you know any of those boys names? A. No, sir.
Q. They only stayed there about a year? A. Hardly a year as well as I remember; he made a little improvement there at a spring and I bought what improvements he had there, and he said he was going back to Kansas, and that is the last I knowed of him.

Q. Any other colored man by the name of Joe Riley there before that, ever stayed there since you have been there? A. No, sir; that spring goes by the name of Riley's spring now.

Q. Took his name? A. Yes, sir.
Q. He told you he was from Kansas? A. Yes, sir, I bought him out; he said he was going back to where he come from.

Q. He left there? A. Yes, sir.
Q. And that is all you know about it? A. Yes, sir.

Q. MR. BELLETT: You don't know this applicant here, Ed Riley? A. No, I don't expect I do.

Q. Do you know his brother, Fred Riley? A. No.
Q. Do you know his sister, Sarah Flynn? A. No, sir.

Q. Did you know this Joe Riley very well that located up there? A. No, sir, not overly well, seen him several times while he was there.

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Q You don't know where he went, only he moved away? A No, sir.
Q You don't know where he was in '75 or anything like that?
A No, sir.
Q You never seen him until he came there and never seen him since?
A No, sir, if I did I don't remember it.
Q Have you ever seen any of his children since? A No, not that
I know of.
Q You would not know them if you were to see them? A No, sir.
Q You don't know where Joseph Wiley died? A No, sir.
Q WITNESSES: Are you pretty well acquainted in that timber-
and hill country? A Tolerably well, yes, sir.
Q What do you follow, farmer? A Yes, and stockraising.
Q Well, have you had occasion to travel over that country more or
less? A Oh, yes, I have traveled over it for years, right along.
Q Was it thinly or thickly settled when you moved there? A It was
thinly settled; no settlement there at all hardly.
Q People lived miles apart? A Yes, sir.

Com'r Needles: This testimony will be filed with the
paper in the original case and copies of the same will be
made part of the record in Freedmen doubtful cases #707,
#708, and #709.

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J. O. Rosson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 18th, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment
as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by
W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation,
No. 17209 filed in the Mariah Hayden case F D 473, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Mariah Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Ed Rec, D 696;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-
duction of the decree because, First: It does not tend to show
that the applicant was a slave of the Cherokee Nation at the
beginning of the war, nor that he returned within the time specified
in the treaty of 1866, or that he had been a continuous resident
of the Cherokee Nation since that time, or that he is a descendant
of such a person. Second: Because the same is incompetent, irrele-
vant and immaterial, and does not tend to prove an issue in this
case. Third: Because the Commission will take judicial knowledge
of all laws, treaties and decrees necessary for the determination
of the right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same is
called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be
entertained and the decree of the Court of Claims filed in the case
of Mariah Hayden will be made a part of the record by reference in
all the cases above named with the exception of those which come
within the provisions of the temporary injunction recently granted
by Judge Gill of the United States Court, of the Northern District,
Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named
cases including the Mariah Hayden case that counsel for the appli-
cant be allowed within thirty days to file any of the proof of any
or all of the record other than the decree already referred to

in the case of Moser Whitfire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings.

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing the Cherokee Nation, on the 31st day of May, 1902, and that this was the case of May, 1902, we say that under the rulings of the Court of Claims under the agreement between the attorneys, that in all these cases is to close and should be closed by the Court of Claims, and that no extension should be granted in any case and no extension should be granted unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rotherberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,

In the matter of the application for the enrollment of Ed Riley et al
as citizens of the Cherokee Nation.

F. D. 696.

Argument for the Cherokee Nation.

Comes now the representatives of the Cherokee Nation and respectfully protest against the action of the Honorable Commissioner of Indian Affairs which recommends that the decision of the Commission to the Five Civilized Tribes be not approved and that said decision be reversed.

For cause of this protest the representatives of the Nation say that the record in this case clearly shows that the decision of the Commission to the Five Civilized Tribes in rejecting the applicants is supported by the evidence in this case and that the action of the Commissioner of Indian Affairs is not borne out by the record.

In this case the evidence shows that all of the applicants claim to be descendants of Joseph Riley who claims to have been a slave of a Cherokee Citizen at the commencement of the Rebellion, that the said Joseph Riley went to Kansas during the rebellion and did not return to the Cherokee Nation in time to qualify under the treaty, and that none of said applicants are on the 1880 roll. The Nation further contends that the conclusions reached by the Honorable Commissioner of Indian Affairs are wrong and should be set aside and the decision of the Commission to the Five Civilized Tribes is correct and should be affirmed.

We desire to call attention to the applicants testimony which shows that they claim to be descendants of Joseph Riley who was a slave of a Cherokee Citizen at the commencement of the war of the Rebellion. The applicants admit that Joseph Riley went to Kansas during the war but undertake to claim and shows that he together with his family returned to the Cherokee Nation in time to qualify under the provisions of the Treaty of 1866 which required them to return within six months after its promulgation. To support applicants contention they called as witnesses Polly Nivens (Ross) who resides at Fort Gibson, Indian Territory and who has been a standing witness for Freedmen applicants as shown by the record she has testified in twenty-three different Freedmen doubtful cases up to the time our General Freedmen brief was prepared and in each of these cases she has claimed to have seen the applicants or their parents at Fort Gibson in 1866 and this same Polly Nivens is wholly unreliable and unworthy of belief and is one of the most reckless and notorious witnesses that came before the Commission. In the case of Martha Phillips et al F.D. 852 and F. D. 881 four reputable men who lived in the vicinity of where Polly (Ross) Nivens resides testified that her reputation was so bad that they would not believe her on oath.

This we deem sufficient to cause the Department to investigate carefully the evidence of such a witness unless it is corroborated by other reputable witnesses before taking her testimony as true. It is a well known rule of evidence that a witness who is unworthy of belief should be corroborated by other reputable witnesses that then in the light of all the circumstances their testimony should be considered but when we come to consider those who corroborated Polly (Ross) Nivens we are confronted by another witness of as disreputable a character and as notorious a reputation as Polly Nivens herself. This witness is the well known notorious L. D. Daniels who testified in sixty-four different Freedmen doubtful and rejected cases and has a well known, notorious standing

witness who went from place to place where the Commission was sitting and testified for a consideration which the applicants would pay him. His testimony became so unreasonable and ungrateful that it was apparent to all that he was swearing falsely all the time and the Department has on more than one occasion in its decisions referred to L. D. Daniels as being a witness wholly unworthy of belief and therefore we take it that no strength could be added to the applicants testimony by the evidence of Polly Ross Nivens and L. D. Daniels. These two witnesses are the only witnesses that swear that applicant or his father was in the Cherokee nation in 1866 or at any time within the provisions of the treaty.

The Cherokee Nation introduced as a witness Austin W. Foreman who was a son of Stephen F. Foreman to whom Joe Riley the father of Ed Riley claims to have belonged, at the breaking out of the Rebellion. The question of ownership prior to the rebellion of Joe Riley is not disputed by the Cherokee Nation. The question being the return of the applicants in time to qualify under the provisions of the treaty. Austin W. Foreman was well acquainted with Joe Riley and had been for years prior to the beginning of the Civil War and he testifies that about seventeen or eighteen years ago he had a conversation with Joe Riley in Vinita or just north of Vinita Indian Territory and that Joe Riley told him that he (Joe Riley) had just returned from Kansas and was moving back to the Cherokee Nation to live.

It will be noted that Foreman was a son of Joe Riley's former owner and it was but natural that they would talk over where Joe had been and when he returned.

Austin W. Foreman also testifies that to Riley the applicant in this case he is a son of Joe Riley and Foreman did not recognize him, not having seen him before and knowing him as the son of his father until he saw Joe Riley's father.

Which I am going to show as John Landrum, in order to support the application of the applicant goes upon the stand and testifies in the case of the applicant that the name of Joe Riley at the commencement of the war was Looney Riley, thus contradicting in all of the applicants in this case and being conclusively that he knows nothing about what he was testifying for the reason that none of the applicants contended or claimed that they were owned, nor was Joe Riley their father owned by Looney Riley when the war broke out. Joe Riley claimed he was a slave of Stephen Foreman. This Landrum was one of the standing witnesses who followed the Commission from place to place to testify for the claimants and succeeded in getting to testify in nineteen different Freedmen Doubtful and rejected cases and is a man wholly unworthy of belief. (Reference is made to the Field Judgment in the case of John Landrum in the field by Commissioner Brekinridge) It was contended by the applicants that their father Joe Riley returned to the Cherokee nation and lived on Four Mile branch and four or five mile creek in Illinois and Tahlequah Districts near the line of the two districts.

The Cherokee Nation called Tom Harlin, Emily Umphrie S., Columbus Lasley and V. H. Markham all of whom had lived on Four mile branch and fourteen mile creek near Fort Gibson I. T. from 1866 to 1880; They testified that Joe Riley came to four mile branch and fourteen mile creek near Fort Gibson I. T. in ~~1880~~ 1878; 1880 or 1881; that he married Dorcas Ruffington there and lived with her two or three weeks until he went blind and was taken by his children to their home. All of these people say that he was not in that community and did not live there until about the year 188 or 1889 and that he stated to them when he came there that he had recently moved from Emporia Kansas or near that point. W. H. Markham a colored man testifies that he was living near Timber Hill east of Blue Jacket I. T. and this Riley family did not remove from Kansas to Timber Hill for seven years after the war and they came there long about 1879 or 1880. We submit that the Commission's decision should be affirmed.

Respectfully, *Bill Hastings* Attorney for Nation.

By J. C. Harlin

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

F.P.T.

In the matter of the application for the enrollment of
Ed Riley, et al. as Cherokee Freedmen, consolidating the application of

Ed Riley, et al.....	Cherokee Freedmen	D696
Sarah Flynn, et al	"	D 707
Richard Riley, et al	"	D 708
Fred Riley,	"	D 709

DECISION.

The record herein shows that application for enrollment as Cherokee Freedmen were made to this Commission, by Ed Riley for himself and his four minor children, Matt, Jessie, Howard and Annie Riley, as Cherokee Freedmen and for the enrollment of his wife, Mary Riley, as a Cherokee Freedmen by intermarriage; but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Mary Riley, as such, will not be adjudicated in this decision; by Sarah Flynn for herself and her minor children, Oliver, Joseph, Fannie, Serena, Nettie, Castella and Gracie Flynn; by Richard Riley for himself and his two minor children, Willie and Mary Riley, and by Fred Riley for himself.

The Evidence show that all of the applicants herein are the descendants of one, Joseph Riley, who was the slave of a Cherokee citizen at the commencement of the rebellion; that the said Joseph Riley went to Kansas during the rebellion and did not return to and establish a residence in the Cherokee Nation within the time specified, in the decree of the Court of Claims, in the case of Moses Whitmire, trustee, et al. vs. The Cherokee Nation, et al, for the return of freedmen to said Nation; and that all of said descendants of Joseph Riley were born since the Commencement of the rebellion and have no rights as Cherokee Freedmen, except such as they may have acquired through him. It further appears that none of said applicants are identified on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Ed Riley, Matt Riley, Jessie Riley, Howard Riley, Annie Riley, Sarah Flynn, Oliver Flynn, Joseph Flynn, Fannie Flynn, Serena Flynn, Nettie Flynn, Castella Flynn, Gracie Flynn, Richard Riley, Willie Riley, Mary Riley (daughter of Richard Riley) and Fred Riley as Cherokee Freedmen should be denied under the provisions of Section Twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Muskogee, Indian Territory,
this Mar. 5, 1900

<u>Tams Bixby</u>	Chairman.
<u>T.B. Needles</u>	Commissioner.
<u>C.R. Breckinridge</u>	Commissioner.
<u>W.E. Stanley</u>	Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Ed Riley, et al. as Cherokee Freedmen, consolidating the applica-
tions of

Ed Riley, et al.,.....	Cherokee Freedmen	D 696
Sarah Flynn, et al.,.....	"	D 707
Richard Riley, et al.,...	"	D 708
Fred Riley,.....	"	D 709

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Ed Riley for himself and his four minor children, Matt, Jessie, Howard and Annie Riley, as Cherokee freedmen and for the enrollment of his wife, Mary Riley, as a Cherokee Freedman by intermarriage; but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Mary Riley, as such, will not be adjudicated in this decision; by Sarah Flynn for herself and her minor children, Oliver, Joseph, Fannie, Serena, Bessie, Castella and Gracie Flynn; by Richard Riley for himself and his two minor children, Willie and Mary Riley, and by Fred Riley for himself.

The evidence shows that all of the applicants herein are the descendants of one, Joseph Riley, who was the slave of a Cherokee citizen at the commencement of the rebellion; that the said Joseph Riley went to Kansas during the rebellion and did not return to and establish a residence in the Cherokee Nation within the time specified, in the decree of the Court of Claims, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of freedmen to said Nation; and that all of said descendants of Joseph Riley were born since the commencement of the rebellion and have no rights as Cherokee Freedmen, except such as they may have acquired through him. It further appears that none of said applicants are identified on the 1860 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Ed Riley, Matt Riley, Jessie Riley, Howard Riley, Annie Riley, Sarah Flynn, Oliver Flynn, Joseph Flynn, Fannie Flynn, Serena Flynn, Nettie Flynn, Castella Flynn, Gracie Flynn, Richard Riley, Willie Riley, Mary Riley (daughter of Richard Riley) and Fred Riley as Cherokee Freedmen should be denied under the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
this MAR 5 1900

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ed Riley,
et al., as Cherokee freedmen, consolidating the applications of

Ed Riley, et al.,
Sarah Wlynn, et al.,
Richard Riley, et al.,
Fred Riley,

Cherokee Freedmen D 696
Cherokee Freedmen D 707
Cherokee Freedmen D 708
Cherokee Freedmen D 709.

Pretest of the Cherokee Nation.

Comes now the representative of the Cherokee Nation and most respectfully, but vigorously and sincerely, protests against the approval of any schedule containing the names of the applicants in the above consolidated case, for the reason that in our judgment the testimony conclusively shows that neither they nor their father, Joseph Riley, through whom they claim, returned to the Cherokee Nation and permanently located there within the time prescribed by the 9th Article of the Treaty of 1866.

In the beginning we desire to call attention to the provision in Section Three of the Act of Congress approved April 26, 1906 (Public No. 129) which provides:

"The roll of Cherokee freedmen shall include only such persons of African descent either free colored persons or the slaves of Cherokee citizens and their descendants who were actual personal bona fide residents of the Cherokee Nation August eleventh, eighteen hundred and sixty-six, or who actually returned and established such residence in the Cherokee Nation on or before February eleventh, eighteen hundred and sixty-seven."

It will be noted that the word residence is modified by all three words "actual, personal, bona fide," which indicates the intent of the will of Congress that there should be no doubt about the return, or if they had returned the Act says that they must have ~~an~~ "actually returned and established such residence." In other words, Congress intended that it should not be a temporary return; that there should be no constructive return, but that it must be an actual physical return and that in addition to actually returning they must establish a residence in the Cherokee Nation on or before February 11, 1867. "

Bearing in mind this provision of the Act of Congress ~~xx~~ which is the only legitimate construction that can be placed upon the 9th Article of the Treaty of 1866, we submit that there is no testimony of any reputable witness that can be pointed to which is at all convincing that any of the applicants or their father, Joe Riley, actually returned and established a residence in the Cherokee Nation prior to February 11, 1867. If it be contended that there is such testimony, what witness stated it, and to what point does he claim that the person Joe Riley, through whom these applicants claim, returned and established a residence? The truth is that no residence was established by any witness on behalf of the applicants for a great number of years after the war, and certainly not until after Joe Riley's first wife died, and not until after all of these children were born, and the youngest son is Fred Riley, who gave his age in 1901 as being 24, and he was therefore born in the year 1877, and no one contends that he established a residence or attempted to establish a residence until he came over on Little Creek and lived with old Aunt Darkus Buffington, and that was after Fred Riley was born, and after Joe Riley's first wife, who is the mother of all of these principal applicants, was dead, and therefore it was after 1877 some few years at least. We challenge counsel for the applicants to show a single line of testimony tending to show that Joseph Riley, through whom these applicants claim, established a residence in the Cherokee Nation prior to 1877.

Now Ed Riley came upon the stand on June 11, 1901, and the other applicants made application the following day. Ed Riley gave his age at that time at 33, and he was therefore born in 1868. We would like for this point to be borne in mind. John Landrum is the first witness introduced on behalf of Ed Riley and he claims to have seen old man Joe Riley on his return to the Cherokee Nation in a shackling wagon while he (John Landrum) was on his return from Lewis Wright's, and of course John Landrum says it was in 1866. But let's analyze his testimony a little more critically, because as a matter of fact, as the Commissioner to the Five Civilized Tribes and the Department by this time well know, all of this freedmen go upon the stand and swear positively that they saw any

and all applicants in 1866. But this witness does not know any date, does not know when the Wallace Court sat, does not know the year that he married, in fact does not know any year, but now we can prove from his own testimony that he is mistaken, if we use that mild a term in describing it, as to when he saw Joe Riley:

First, he says that there was a boy along with old man Joe Riley in a shackling wagon and the oldest son that he had was Ed Riley, and Ed was not born until the year 1868, according to his own testimony.

Second, he says that he was over to Lewis Wright's house, and on his return from there, whereas Lewis Wright and his wife have testified in numerous cases that Lewis Wright was not married until 1868.

Third, the Department has found in the case of Daniel Whitmire, F. D. 434, Luella Snayden, F. D. 997, Edward Derrick, F. D. 818, and George Meigs, F. D. 394, that the Whitmires, Wrights and Sanders families did not return to the Cherokee Nation with their families before about March 1, 1867.

Fourth, the witness said in answer to this question "You had a field opened up when you saw him?" "Yes, sir, just a little patch."

This testimony taken in connection with the last objection hereinabove made shows conclusively that he did not see him.

Fifth, Commissioner Breckinridge gave evidence of what little weight should be given this witness in the James Landrum case, F. D. 664.

Sixth, this witness is unworthy of belief, because he has testified in numerous cases which have been rejected and their rejection affirmed by the Department, and among them, Jane Riley, F. D. 600, James Landrum, F. D. 664, Henry C. Hayden, F. D. 498, John J. Rose, F. D. 474, Louisa Gray, F. D. 999, Katie Thornton, F. D. 578, Ransom Daniels, F. D. 812, Annie Elms, F. D. 860, Alfred Bell, F. D. 863, Thaddeus Hill, F. D. 985, Carrie B. Ross, F. D. 999, and a number of others.

The next witness was Pelly Hivens, or Ross, a disreputable, low mulatto woman, who has testified in a great number of cases, and she has been impeached in the case of Martha Phillips, F. D. 852, where four

reputable witnesses from the vicinity of Fort Gibson testified that they would not believe her under oath. But her testimony cannot stand under a close examination because she answered with reference to Joe Riley's children the first time that she saw him as follows:

- "Q. How many children had he there at that time? A. He had two."
"Q. Did you see this boy? A. I saw this boy and the girl."

Now the boy referred to was Ed Riley, and as above noted, Ed Riley was not born until 1868, but with reference to her testimony as to establishing a residence she did not claim to see them after that fall. She said the girl was about ten years of age and the boy was indicated as being a good sized boy, and in the light of this testimony there is no wonder why any number of witnesses could be gotten who would not believe her under oath as was shown in the Martha Phillips case above referred to.

The next witness was L. D. Daniels who was a standing witness for a while, and testified in a great number of cases, and we could perhaps cite as many as 40 or 50 rejected by the Commissioner to the Five Civilized Tribes and affirmed by the Department, but this witness was impeached by reputable witnesses who swore that his reputation for truth and veracity was bad in the case of William Tucker, W. D. 329, but this witness only claims to have seen him the time or two around Fort Gibson, and claims that he went up on 14 Mile Creek at that time and that he did not see him after that until 1883.

Remember now we are looking over this testimony to find some witness who will swear that he had an established residence in the Cherokee Nation prior to February 11, 1867. Joe Riley when re-called to the stand claims to have lived upon 14 Mile Creek about 20 years and to have lived about Tom Harlin who he claims was his halfbrother. To understand this case a map of the country immediately adjacent to Fort Gibson should be closely examined, which would disclose that 14 Mile Creek runs into Grand River a short distance above Fort Gibson, and that this is a section of the country some ten miles above Fort Gibson to which it is attempted to be claimed that Joseph Riley returned and established a residence.

Now the next witness is Dorcas Buffington. She is an old and infirm woman and she dodges through a long tedious cross-examination and claims

to have lived with this old man Joseph Riley as his wife, but read the testimony through and you will find that she finally admits that all of these children, who are applicants in this case, were born prior to the time she saw him and before she began living with him as his wife. Note also that she says that Joe Riley was making his home with his son, Tom Harlin, at the time. We submit that there is not a line of testimony of a single reputable witness which tends to show that there had been a bona fide return on the part of Joseph Riley or that he had actually in good faith established a residence in the Cherokee Nation before February 11, 1867, and this is strongly indicated by Commissioner Breckinridge who heard the testimony of witnesses who were dodging about in their examination.

But we are not left to speculation. Upon the other hand numbers of witnesses are called to the stand on behalf of the Cherokee Nation, who lived either in Fort Gibson or the vicinity of 14 Mile Creek to which point it is claimed that Joseph Riley returned and established his residence. Emily Humphries came back to 14 Mile Creek after the war. She had known Joseph Riley before the war, was friendly to him, and she swears that the first time that Joe Riley came back to that country after the war was some eight or nine years thereafter as near as she could guess, and at that time he brought a child with him by the name of Fred, but she says that she was mistaken about it, because she says Fred was 10 or 12 years of age, which would have made it much longer after the war even than she states, and she says that he said he came from Kansas, so reported that he came from Kansas, and that he had left his family up there with the exception of bringing this boy, and she testifies that he afterwards married this old lady Dorcas Buffington with whom he lived a short time thereafter.

Columbus Lasley gave his age as 53; he lived in Fort Gibson during and immediately after the war, and in 1867 went out on Four Mile Branch and in the vicinity of where Dorcas Buffington lived, and he knew Joseph Riley who came to that section in about the year 1880 or 1881. Now this is in line really with what all of the witnesses have testified. Dorcas

Buffington did not see him until after his youngest child was born and his youngest child was born in 1877. Emily Humphries did not see him until Fred was 10 or 12 years of age, and that would have made it beyond 1880 or 1881.

Later Tom Warlin was introduced. Now it will be noted that this is the same Tom Warlin that is claimed to be the son of Joe Riley, and therefore of course prejudiced in his favor, and a reluctant witness on behalf of the Cherokee Nation. He gave his age as 57 in 1901 and was therefore born in the year 1844 and was therefore 22 years of age in 1866, a grown man, and he lived now upon 14 Mile Creek, the very point that his father is claimed to have returned and established a residence, and he swears positively that he did not see his father until about the year 1880. Could there be any more conclusive testimony than this? Is not this the very testimony of Emily Humphries? Is not it the testimony of Columbus Lesley who lived in that community? Is not it the testimony of Dorcas Buffington who says that he did not come to that country until after his youngest child was born which was in 1877? And it will be noted that it is to this same Tom Warlin's house that it is claimed that he first came when he first returned to the Cherokee Nation.

In the light of this testimony and in the absence of any convincing testimony to which a finger can be pointed which tends in any wise to show an established residence in the Cherokee Nation, we submit that the decision of the Commission rejecting these applicants ought to be affirmed.

In addition to the above testimony, there is the testimony of Austin W. Foreman, the young master of old man Joe Riley, who testified that he had seen old man Joe Riley about 17 years prior to that time, which was in 1901, and that would have made it in 1884, and that he talked with old man Riley as to his previous whereabouts and that he had told him that he was from Kansas. Now this was the natural thing for him to do; he was his young master, and he inquired about him as he would about any relative or member of his immediate family.

With reference to his residence about Timbered Hill, W. H. Markham states that he formerly lived about Timbered Hill, near Bluejacket; that

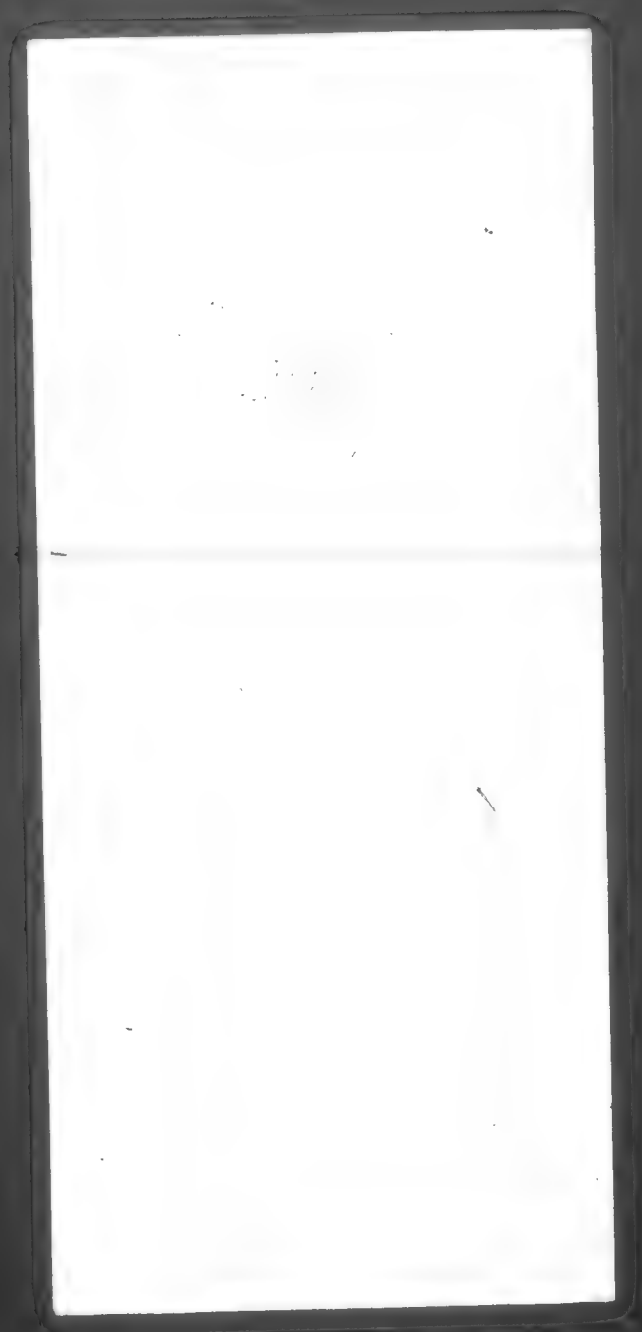
he knew old man Joe Riley, and that old man Joe Riley came there from Emporia, Kansas, and he states that he (Markham) went to that neighborhood near Bluejacket, near Timbered Hill, about 20 years ago, and that he had been there a year or two. Now this corroborates Mr. Foreman, the young master of Joe Riley, who places it about the year 1884, when he first saw Joe when Joe came from Kansas. Granville Craig takes the stand. He states that he lived about five miles west of Bluejacket, and about a mile from Timbered Hill, and he had lived there since 1875, and that he knew Joe Riley, and that he located there about 17 or 18 years before that, and he stated that he bought his little improvements, and that Riley told him that he was going back to Kansas where he had come from.

We submit that in the light of all of this positive, convincing testimony of reputable witnesses that we would not be doing our duty to the Cherokee Nation if we did not in a vigorous but respectful manner submit our final protest against the enrollment of these applicants and against the approval of any schedule with their names contained thereon, and we submit that if the Department will re-read the testimony filed in this case that it cannot but come to the conclusion that we have--that there is no reputable witness who testifies that Joseph Riley, through whom these applicants claim, established a residence in the Cherokee Nation on or before February 11, 1867, and if that is so found, we fail to find a line of testimony locating it, because he is attempted to be located upon 14 Mile Creek and he is attempted to be located around Timbered Hill, west of Bluejacket, and we think we have conclusively shown that he did not come to Timbered Hill until about 1884, and that he did not come to 14 Mile Creek until about 1880 or 1881, and the testimony is that he remained there about two years and after which time he must have gone back to Kansas, and from Kansas come to Timbered Hill and remained a short time and left again for Kansas. Making a final appeal that justice be done the Cherokee Nation, we submit this protest against the approval of a schedule containing the names of any of these applicants.

Respectfully submitted,

Attorney for the Cherokee Nation.

Muskogee, I. T., Feb. 23, 1907.



COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, Nov 11, 1901.

Received of the Commission to the Five Civilized
Tribes ~~the~~ a copy of the testimony in the matter of the
application of W. A. Smith for en-
rollment as Cherokee Freedmen.

Cher. Cherokee Freedmen W. A. Smith

W. A. Smith

616

INDIAN TERRITORY
BUREAU OF INDIAN AFFAIRS[illegible][illegible]

NOTICE!

IN THE MATTER OF The application of **Ed Riley**
for enrollment as a Cherokee Freedman:

Case No F. D. 696

To **Ed Riley or Mellette & Smith his Attys.**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of **Fort Gibson**, Indian Territory, on the following dates, to-wit: **Sept. 25th** at **8 o'clock A. M.** A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **14th** day of **Sept.** 1901.

L. R. Bell
W. W. Hastings

Attorneys for the Cherokee Nation.

1901

INDIAN TERRITORY

CHIEF OF AGENTS

EDWARD CHAPMAN, CHIEF OF AGENTS

ATTEST

BY THE CHIEF OF AGENTS, EDWARD CHAPMAN

ATTEST

A. D. 1901

CHIEF OF AGENTS, EDWARD CHAPMAN

ATTEST

A. D. 1901

Message to the Cherokee Nation

I, the undersigned attorney for the
within named applicant, hereby accept
notice of the within notice on this the

Attest of *Malcolm Smith* 1901
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

I do solemnly swear that I do verid a
true copy of the within notice to

ATTEST

day of

A. D. 1901

Subscribed and sworn to before me
this

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1901

2 1901

EDWARD CHAPMAN

NOTICE!

IN THE MATTER OF the application of Ed Riley
for enrollment as Cherokee Freedmen.
Case No. F. D. 696

To Ed Riley or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 11th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 27th 1901.

L B Bell

W. W. Hastings

J. L. Davenport
Attorneys for the Cherokee Nation.

Cherokee Freedmen
D-696.

Muskogee, Indian Territory, March 22, 1904.

Ed Riley,

Hayden, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself and your four minor children, Matt, Jessie, Howard and Annie Riley, as Cherokee freedmen. There has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

J. D. NORTON

Register

Enc. D-28.

Commissioner in Charge.

Cherokee Freedmen
D-696 et al.

Muskogee, Indian Territory, March 23, 1904.

Edgar Smith,

Attorney for Ed Riley et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of Ed Riley et al., together with a copy of the Commission's decision, dated March 3, 1904, rejecting the applications for the enrollment of Ed, Matt, Jessie, Howard and Annie Riley, Sarah, Oliver, Joseph, Fannie, Serena, Nettie, Castella and Gracie Flynn, Richard, Willie, Mary and Fred Riley as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

[Signature]

Register.

Commissioner in Charge.

Enc. D-51.

Cherokee Freedmen
D-696 et al.

Muskogee, Indian Territory, March 22, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Ed Riley et al., rejecting the applications for the enrollment of Ed, Matt, Jessie, Howard and Annie Riley, Sarah, Oliver, Joseph, Fannie, Serena, Nettie, Castella and Gracie Flynn, Richard, Willie, Mary and Fred Riley as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

J. E. Mc...

Enc. D-32.

Commissioner in Charge.

copy

Cherokee Freedmen
M-626 et al.

Muskogee, Indian Territory, March 22, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Ed Riley et al., including the Commission's decision, dated March 5, 1904, rejecting the applications for the enrollment of Ed, Matt, Jessie, Howard and Annie Riley, Sarah, Oliver, Joseph, Fannie, Serena, Nettie, Castella and Gracie Flynn, Richard, Willie, Mary and Fred Riley as Cherokee freedmen.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-33.

COPY

Land.
20430-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, July 13, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated March 22, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen of Ed Riley for himself and his four minor children, Matt, Jessie, Howard and Annie Riley; of Sarah Flynn for herself and her seven minor children, Oliver, Joseph, Fannie, Serena, Nettie, Castella and Grace Flynn; of Richard Riley for himself and his two minor children, Willie and Mary Riley, and of Fred Riley for himself.

March 5, the Commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The record shows that all of the applicants are descendants of Joseph Riley, who was the slave of a Cherokee citizen at the beginning of the war of the rebellion and went out of the Nation during the war, and returned to the Cherokee Nation and established a residence prior to February 11, 1867.

There is the usual testimony on the part of the Cherokee Nation of some two or three witnesses who testify that they

did not see Joseph Riley, the ancestor, through whom the applicants claim, until some time between 1875 and 1880, and it is conceded that more of the same quality of testimony could have been adduced.

The applicants furnish the positive testimony of three witnesses showing that Joseph Riley and his family returned to the Cherokee Nation in 1866, and he died there in 1899.

All of the applicants born at that date are identified on the Kern-Clifton roll but none are found on the 1880 authenticated Cherokee roll.

In view of the record, it is recommended, that the Commission's decision adverse to the applicants be not approved, and that the applicants be enrolled as Cherokee freedmen.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.W.

W.

3 encl.

D. C. 26286-1904,

I.T.L. 5726-1904.

L.A.S.

V.C.F.

FHE J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. July 22, 1904.

Commission to the Five Civilized Tribes,

Mus-ogee, Indian Territory.

Gentlemen:

March 22, 1904, you transmitted the record in the matter of the consolidated Cherokee freedman case of Ed Riley, et al (D-696 et al), including your decision of March 5, 1904, rejecting the applicants.

Reporting in the matter July 13, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be not approved, and that the applicants be enrolled as Cherokee freedmen.

You are directed to advise the applicants and the attorney for the Cherokee Nation of the Acting Commissioner's recommendation, and allow said attorney thirty days within which to file an argument to the matter, and the applicants ten days within which to reply to same.

Respectfully,

Thos Ryan

Acting Secretary.

Cherokee Freedmen

D-696.

Muskogee, Indian Territory, August 1, 1904.

Ed Riley,

Hayden, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself, wife and children, the Commission is in receipt of departmental letter of July 22, in which it is stated that the Acting Commissioner of Indian Affairs in his letter of July 13, recommends that the Commission's decision rejecting your application be not approved, and that you be enrolled as Cherokee Freedmen.

In accordance with instructions contained in the Department's letter you are advised that the attorneys for the Cherokee Nation have this day been notified that they will be given thirty days from date hereof within which to file with the Commission for transmission to the Secretary of the Interior, such argument as they may desire to submit in this case, copies of which they will be required to furnish both yourself and your attorney, Edgar Smith, Vinita, Indian Territory. You are advised that you will be allowed ten days additional within which to file with the Commission, for transmission to the Secretary, a reply to said argument.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, August 1, 1904.

Edgar Smith,

Attorney for Ed Riley, et al.,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for enrollment of Ed Riley, Cherokee Freedmen D-696; Sarah Elynn, et al., Cherokee Freedmen D-707; Richard Riley, et al., Cherokee Freedmen D-708; and Fred Riley, Cherokee Freedmen D-709, the Commission is in receipt of departmental letter of July 22, in which it is stated that the Acting Commissioner of Indian Affairs in his letter of July 13, recommends that the Commission's decision rejecting these applicants be not approved, and that the applicants be enrolled as Cherokee Freedmen.

In accordance with instructions contained in the Department's letter you are advised that the attorneys for the Cherokee Nation have this day been notified that they will be given thirty days from date hereof within which to file with the Commission for transmission to the Secretary of the Interior such argument as they may desire to submit in these cases, copies of which they will be required to furnish both the principal applicant in each case and yourself. You are advised that you

-2-

will be allowed ten days additional within which to file with
the Commission for transmission to the Secretary a reply to
said report.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-696-707-708-709.

Muskogee, Indian Territory, August 1, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Ed Riley, et al, Cherokee Freedmen D-696; Sarah Flynn, et al, Cherokee Freedmen D-707; Richard Riley, et al, Cherokee Freedmen D-708; Fred Riley, Cherokee Freedman D-709, the Commission is in receipt of departmental letter of July 22, in which it is stated that the Acting Commissioner of Indian Affairs in his letter of July 13, recommends that the Commission's decision in these cases rejecting the applicants be not approved and that the applicants be enrolled as Cherokee freedmen.

In accordance with instructions contained in the Department's letter you are advised that you will be allowed thirty days from date hereof within which to file with the Commission for transmission to the Secretary of the Interior such argument as you may desire to submit in these cases, copies of which you will be required to furnish the principal applicant in each of the above named cases, and also their attorney, Nigar Smith, Vinita, Indian Territory.

Respectfully,

Commissioner in Charge.

W.C.P.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Washington.

FHE.

I.T.D. 8251-1904.
J.P.

September 28, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of a communication from
W. W. Hastings, Attorney for the Cherokee Nation, dated September
24, 1904, requesting that he be granted ten days longer in which to
file briefs and arguments in the following cases:

Samuel D. Pinder, Freedman D-886.
Lucinda Smith, et al., Cherokee F.D. 2, and
William Smith, Cherokee F.D. 158,
Joe Riley, et al., Cherokee F.D. 696.

You will advise said Attorney that the time heretofore
granted him in which to file argument in the case of Lucinda Smith
and William Smith, also the case of Joe Riley, will be extended ten
days. You will also notify the applicants in said cases of such
extension. You will also notify the Attorney for the Cherokee
Nation that the case of Samuel D. Pinder has not yet reached the
Department.

Respectfully,

Thos. Ryan.

Acting Secretary.

COPY.

Cherokee Freedman
D-636.

Muskogee, Indian Territory, October 13, 1904.

Ed Riley,

Hayden, Indian Territory.

Dear sir:

In the matter of the application for the enrollment of yourself, et al., as Cherokee Freedmen, you are advised that the Commission is in receipt of departmental letter of September 28, 1904, directing the Commission to notify the Attorney for the Cherokee Nation that the time for filing argument in your case on behalf of the Cherokee Nation had been extended ten days. The Attorney for the Cherokee Nation has accordingly this day been notified of such extension.

Respectfully,

(SIGNED). *T. B. Needles.*

Commissioner in Charge.

COPY

Muskogee, Indian Territory, October 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 28, 1904, (I.T.D. 5726-1904), there is herewith transmitted argument filed with the Commission by the attorneys for the Cherokee Nation, in the consolidated freeman case of Ed Riley, et al., (Cherokee Freedmen D-696, et al.).

No reply has been filed in behalf of the applicants.

Respectfully,

James Dixon
Chairman

Encl. B-25

Cherokee Freedman
D-205 et al.

Muskogee, Indian Territory, January 24, 1906.

Edgar Smith,
Attorney for Jane Bean et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1906, rejecting, among others, the applications for the enrollment of Jane Bean, Albert T. Thomas, Melvina Alberty, Alexander Claggett, Amanda Martin, Vena Warley, Katie Davis, Charles Williams, John J. Rose, Alex Johnson, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Cheuteau, Mahalay Ward, Willie Robinson, Frances Martin, Mary Riley, Samuel Irvon, Sadie Adams, Georgeann Archer, John Claggett, Hattie Erdth, Jack Jackson, Ida Adair, Robert Brown, Isaac Jones, Alice Gwenter, Katie Adair, Susan Daniels, and Levi Stroud as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 1-4-06.
Register.

Tamm Dixby.
Chairman.

Charles Freedman
D-696.

Muskogee, Indian Territory, January 24, 1906.

Harry Riley,

Marden, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1906, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tamie Bixby.
Chairman.

Encl. L-76.

Register.

COPY

Cherokee Freedman
3-14 et al.

Muskogee, Indian Territory, January 24, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Harrison, Frances Melton, John Jotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Ollie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kirke, William S. Hadden, Tom Bess, Albert T. Thomas, Mary Campbell, Caroline Daniels, Malvina Alberty, Dave Morris, Alexander Claggett, Anna Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Venson, Jack McDowell, Hattie Manley, George Reed, Mr., Buck Latham, Ed Thompson, Louis Scott, Abe Scott, Kenter Lupton, Thomas E. Allen, Louis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Bess, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Bess, Charles H. Smith, Susie Collier, William Skaggs, Susie Johnson, Alfred P. Hopkins, Elsie Vann, Frankie Levey, Mary Guntam, Allen Guntam, Keturah Ward, Fred J. Thomas, Bettie Beck, Ella Warren, Millie Robinson, Mary Warner,

Frances Martin, Mary Wiley, Emanuel Taylor, Henry Sykes, Larkin P.
 Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster,
 Mary H. Rogers, George Washington Lane, Jane Brown, Samuel I. Young,
 John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles
 Claggett, Samuel Irvén, Mary Ross, Maggie Nave, Nooma Nave, Ella
 Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett,
 Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie
 Vest, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah
 Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry,
 Isaac Welch, Lawson Logan, George Howell, Henry Kasir, George
 Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters,
 Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter,
 Katie Adair, Carrie Martin, Benjamin Clark, Emily Locney, John
 Groves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers,
 William Washington, Squire Warren Owens, Fannie Goldsby, Susan
 Daniels, Anderson Turk, David Lane, Felix McClain, Henderson
 Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson,
 Ellen Sheppard and Lula Melton, as Cherokee citizens by inter-
 marriage, including the Commission's decision dated January 19,
 1905, rejecting said applications.

Respectfully,

Tamc Dixby.

Chairman.

Incl. K-8.

Through the

Commissioner of Indian Affairs.

COPY

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Chaggett, Amanda Martin, Eliza Martin, John E. Barnes, Bill Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Emley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John E. Swain, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Henry Ross, Charles C. Smith, Annie Gilbert, William Stagg, Susie Johnson, Alfred P. Hopkins, Kimmie Vann, Freddie Loney, Lucy

Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazalrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melten, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

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Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tamm Kirby
Chairman.

Incl. K-9.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

Refer in reply
to the following:
Land.
7908-1908

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Varn, Mary Markham, Frances Melton, John Dotson, Mary Jane Varn, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Ananda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maudie Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Elsie Vann Freddie Leoney, Lucy Chautaux, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren,

Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox,

Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvén, Mary Ross, Maggie Kave, Neoma Kave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1906, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by inter-marriage with a Cherokee Freedman; that none has ever been enrolled

or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W:

D. C. 20877-1905.

I.T.D. 2904-1905

(C O P Y)

W C F
F H E

L R S

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

April 17, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson, Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinke, William S. Madden, Jane Beck, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Martin, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard P. Watson, Jack McConnell, Maude Manley, George Reed Jr., Buck Ledman, Bell Thompson, Lewis Goett, Abe Goett, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Loma Peterson, Alex Johnson, Martha Vann.

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert,
William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann,
Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor Henry
Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances
Johnson, Annie Foster, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
Bowles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary
Ross, Maggie Nave, Neoma ~~Nave~~ Ella Ross, Elizabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith,
Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Deckman,
James B. Perry, Isaac Welch, Lawson Logan, George Howell,
Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann Lou peters, Ida Adair, Robert Brown, Allie Chambers
Ison Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin
Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann,
Nelson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane,
Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John
Supter, Mariah Thompson, Ellen Sheppard and Lula Melton.

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Reporting in the matter March 21, 1905, the Indian office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS RYAN

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

B-696.

Muskogee, Indian Territory, April 28, 1905.

Mary Riley,

Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the application for your enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED,

Tamie Bixby.

Chairman.

OPY.

Cherokee Freedmen

D-696.

Muskogee, Indian Territory, April 23, 1905.

Edgar Smith,

Attorney for Mary Riley,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the application for the enrollment of Mary Riley as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

Jame Dixby.

Chairman.

CL

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 23, 1905

Hall, Hastings & Davenport,
Attorneys for the Cherokee Nation
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's
decision dated January 19, 1905, rejecting the applications
for the enrollment of William Davis, et al., as Cherokee
citizens by intermarriage, was affirmed by the Secretary of
the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tamm Dixey*
Chairman

COB

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage; was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

Tams Dixby.
Chairman.

I.T.D. 5726, 11070-1905.
D. C. 43236-1905.

W.C.F.
Y.P.
LLB

LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

September 8, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On March 22, 1904, you transmitted the record in the consolidated Cherokee freedman case of Ed Riley, et al., embracing the applications for the enrollment of Ed Riley and his four minor children, Matt, Jessie, Howard, and Annie Riley; of Sarah Flynn and her seven minor children, Oliver, Joseph, Fannie, Serena, Nettie, Castella, and Grace Flynn; of Richard Riley and his two minor children, Willie and Mary Riley; also the application of Fred Riley.

On March 5, 1904, the Commission to the Five Civilized Tribes held that the applicants were not entitled to enrollment as Cherokee freedmen, for the reason that the record showed that Joseph Riley, the ancestor through whom the applicants claim right to enrollment did not return to the Cherokee nation prior to February 11, 1867.

Reporting July 13, 1904, the Indian Office recommended that the Commission's decision adverse to the applicants be not approved, and that the applicants be enrolled as Cherokee freedmen. A copy of its letter is inclosed.

July 22, 1904, the Commission was directed to notify the applicants and the attorneys for the nation of the recommendation of the Indian Office, and allow said applicants and attorneys further time within which to file argument in the case. Argument by attorneys for the nation was filed with the Department and has received due consideration.

It is shown by the record that the applicants are descendants of Joseph Riley, and that said Joseph Riley was a slave of a citizen of the Cherokee Nation at the beginning of the war. It appears that he went to Kansas during the war. The question to be determined is whether said Joseph Riley returned to the nation prior to February 11, 1867.

Witness John Landrum stated that he saw Joseph Riley in the nation just after Christmas, in 1866. Polly Nivens stated that she ^{said} saw Joseph Riley in the nation the next year after peace was declared. L. D. Daniels stated that he saw him at Fort Gibson in December, 1866; that he, Riley, stated he was living at Fourteen Mile Creek. Emily Humphries, witness introduced by the attorneys for the nation, testified that she saw Joseph Riley 8 or 9 years after peace was declared. Columbus Lasley saw him in 1880 or 1881. W. H. Markham did not know where said Joseph Riley was in 1866; that he, Riley, told him several years after the war that he came from Emporia, Kans. Tom Harlin, said to be a son of Joseph Riley, first saw said Riley at Fourteen Mile Creek "about the time the colored people drew the last time with the Cherokees."

Austin W. Foreman saw said Joseph Riley in 1862 and again 17 years prior to the taking of the testimony herein. Granville Craig did not know where Joseph Riley was in 1866.

The attorneys for the nation claim that Polly Nivens and L. D. Daniels are unworthy of belief. There is nothing in the record, however, which impeaches their testimony. Their statements are corroborated by the testimony of John Landrum.

That Joseph Riley returned to the nation prior to February 11, 1867, is not denied by the witnesses introduced by the attorneys for the nation. As will be seen from the above statements as to what said witnesses testified to their testimony relates to the applicant's whereabouts several years subsequent to 1866. Apparently, they are not informed as to his whereabouts in 1866.

The Department therefore believes that the preponderance of the evidence shows that said Joseph Riley returned to the Cherokee Nation prior to February 11, 1867. The recommendation of the Indian Office is therefore concurred in.

The Commission's decision of March 5, 1904, is reversed and you are directed to enroll the applicants as Cherokee freedmen.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

C O P Y

Muskogee, Indian Territory, June 15, 1906

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter of September 8, 1905 (I.T.D. 5726-11070-05), reversing the decision of the Commission to the Five Civilized Tribes dated March 5, 1904, in the matter of the Applications of Ed Riley, et al., for enrollment as Cherokee freedmen, wherein it is held by the Commission that the said applicants are not entitled to enrollment as Cherokee freedmen.

The reason for the Department's action in this matter is based upon the testimony of John Landrum, Pelly Hivens and E. D. Daniels, which, it is held, in effect, shows that one Joseph Riley, through whom the eighteen applicants in this consolidated case claim the right to enrollment as Cherokee freedmen, complied with the provisions of Article IX of the Treaty of 1866, as interpreted by the Whitmire decree, for the return of freedmen to the Cherokee Nation.

As stated in Departmental letter above referred to "The question to be determined is whether the said Joseph Riley returned to the (Cherokee (Nation prior to February 11, 1867" and it is held by the Department it is established by the testimony of the three witnesses above named that he did return within the time specified.

The Department has repeatedly ruled that the burden of proof is upon the applicants, and that they must show by satisfactory, clear and convincing evidence that their right to Cherokee Citizenship is perfect. Eliza Bryant et al. (I.T.D. 544-04), William Rector (I.T.D. 1468-04), Minnie Duncan et al (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04) Ed Williams (I.T.D. 4230-04), Moses Ross (I.T.D. 6056004), Florence Bratcher(I.T.D. 12592-04), and Jane Looney et al.(I.T.D. 12688-04).

In view of the fact that the provisions of Article IX of the treaty of 1866 were, in a measure, imposed upon the Cherokee Nation as a penalty for its conduct during the late rebellion, the justice of the above indicated rulings become apparant, and, under the authority of these rulings it is that this office, for reasons set out below begs leave to file its protest against the action of the Department in reversing said decision of the Commission to the Five Civilized Tribes

rendered on March 5, 1904, wherein it was held that Ed Riley, et al., Doubtful cases Nos. 696, 707, 708 and 709, respectively, are not entitled to enrollment as Cherokee freedmen.

After five years experience with the witnesses, John Landrum, Polly Nivens and L. D. Daniels (Among many others), this office is prepared to say that their testimony is valueless in determining facts at issue in any case in which they testify.

In re John Landrum: As a matter of fact this witness was not in the Cherokee Nation "three or four weeks after Christmas, 1866" the time at which he claims to have seen Joseph Riley and his little boy returning from Kansas to his old home near Park Hill, Cherokee Nation. Neither the said John Landrum, nor any one of the Webber-Whitmire-Sanders colony of freedmen, of which he was a member, were in the Cherokee Nation between Christmas, 1866, and March 1867, and that these are the facts this office is thoroughly convinced, from evidence in its possession collected from hundreds of freedmen cases .

The inconsistency of John Landrum's testimony in this case is shown in the following extracts, to-wit: "I seed him (Joseph Riley) on Lightning Creek, betwen Lewis's (Whitmire or Wright) Place and my place; on Lightning Creek, I had come there." Between his place on Lightning Creek and Lewis Whitmire's place on Big Creek is where this witness claims to have seen Joseph Riley

as he was returning from Burlington, Kansas, to his old home at Park Hill, in the Cherokee Nation, and he further testifies that Joseph Riley and a small boy were traveling alone. In the first place the returning freedmen were not traveling alone in 1866 and 1867, their experience at Horse Creek having shown them the danger of such a practice, and the evidence in numerous cases before this office shows that they invariably returned in crowds. In the second place, at that time Cooweescoowee District was a wilderness of which the ex-Cherokee slaves knew as little as they did of the jungles of Africa, and it is unreasonable to presume that Joseph Riley would, at that time, have attempted to cross that part of the Cherokee Nation alone and unaided. In the third place, there was a well traveled military road leading direct from the vicinity in Kansas where it is alleged Joseph Riley lived during the war, to his old home in the Cherokee Nation, hence the question naturally arises, What was Joseph Riley's object in traveling thirty-five miles to the west of the main road leading direct to his destination, alone and unprotected, through a country which necessarily must have been a wilderness to him, and in which there was no settlement or roads to guide him to his objective point, Park Hill?

It cannot be contended that Joseph Riley had gone over to Lightning Creek to see his old friend and acquaintance, John Landrum, as this witness testifies "He never stopped to my knowing, did not stay any time; I just met him on the road, he knowed me; Hello, my boy ins't this Jack" and I said "this is", and

he said' I am trying to get back to my old home." Witness also testifies that there was no road where he met Joseph Riley, "just a path."

Evidence aliunde:

In C. F. D. 474, John J. Rose, et al. The minor applicants in this case claim through their mother, ~~Emm~~ Rose, nee Danneberg. John Landrum of Hayden, witness:

"Q Do you know Emily Rose, the wife of John Rose?
QA Yes sir, I am slightly acquainted with her.
Q When did you first see her in the Cherokee Nation after the war? A On Lightning Creek
Q When? A Fall of '66.
Q Who was she with? A Her mother, Tilda."

In this case it was shown by documentary and testimonial evidence, thoroughly convincing, that Emily Rose and her mother Tilda, continuously lived at Lawrence, and Topeka, Kansas, from the close of the rebellion till subsequent to April 5, 1873, and in its decision rendered on March 11, 1904, the Commission to the Five Civilized Tribes so found, said finding being concurred in by the Commissioner of Indian Affairs and affirmed by the Department on December 3, 1904 (Departmental letter I.T.D. 10738-04).

In C. P. D. 664, Jim Landrum, et al. John Landrum, of
Hayden, witness:

- "Q When did you first see him (Jim Landrum) in the
Cherokee Nation after the war? A I saw him in
'66 on Grand River, to his father's.
Q Did his father come back at the same time he did?
A Yes sir, of course he did.
Q And if he says he came back before his father did
he is mistaken, isn't he? A He come before
that time expired and remained, . . .
Q Has he been living near you ever since he returned?
A No sir, not near me.
Q How often have you seen him? A Sometime about
a month or two."

The testimony of C. R. Griffith of Vinita, Indian
Territory, formerly of Emporia and Neosho Falls, Kansas, and
of C. W. Learned, E. P. Moore and J. A. Lynn, of Neosho Falls
Kansas, shows conclusively that the said Jim Landrum continuously
lived in and around Neosho Falls, Kansas, from the close of the
rebellion till 1885, and in his decision rendered on September
8 1905, the Commissioner to the Five Civilized Tribes so found,
the proceedings in this case being duly forwarded to the Depart-
ment, where they are now pending.

In C. P. R. 192, Mariann Hayden, et al. John
Landrum, of Hayden, witness:

"..... A. I saw her (Mariah Hayden) in the Cherokee Nation in '66, after she had come back.
Q Where? A Lightning Creek
Q Where has Mariah Hayden lived since? A She moved from there to a little place southwest of there.
Q Has she lived on these two places ever since?
A Yes sir."

In this case it was shown by convincing testimony that Mariah Hayden and her husband, Henry Hayden, lived in and near Lawrence, Kansas, from the close of the rebellion till subsequent to the year 1873, and in its decision rendered on August 30, 1902, the Commission to the Five Civilized Tribes so found, said finding being concurred in by the Commissioner of Indian Affairs and affirmed by the Department on November 28, 1902 (I.T.D. 6964-02).

C. F. R. 410, Katie Thornton et al. John Landrum ,
of Garden, witness:

"Q Do you know who came back with her (Katie Thornton)?
A Yes sir,-
Q Who? A Thornton, her husband.
Q What was his name? A Henry.
Q What year was that? A That was in '66 in the fall, with others; the latter part of winter, kind of.
Q It was in the winter.
Q They made a house down here did they? A Yes sir.
Q Did you help build that house? A I helped to haul the logs."

In this case it was shown that Henry and Katie Thornton had lived at Garnett, Kansas, from the close of the

rebellion until March, 1871, and in its decision rendered on March 5, 1904, the Commission to the Five Civilized Tribes so found, said finding being concurred in by the Commissioner of Indian Affairs and affirmed by the Department on June 21, 1904 (Departmental letter I.T.D. 3746-04).

C. F. D. 995, Thadeus Hill, et al., claiming through their mother, Angeline Hill, John Landrum, of Hayden, witness:

- "Q Whom did you know Angeline Hill? A Before the war.
Q Do you know whether she returned to the Cherokee Nation or not? A Why yes, I saw her on Grand River in '67.
Q What time in '67 was it you saw her? A I think it was in, let's see, I think, well it was; I want you to give me time to study, because I want to have it right; it was in January, as near as I can remember.
Q That was the year after '66 was it, the year after you had come back? A I suppose so; yes sir, that is what it was."

In its decision rendered on March 5, 1904, the Commission to the Five Civilized Tribes found that the said Angeline Hill did not return to the Cherokee Nation after the rebellion, within the time specified in the Whitmire decree, the proceedings in this case being duly forwarded to the Department, where they are now pending.

In re witness L. D. Daniels: In C. F. D. 823, Eliza Ratcliffe, L. D. Daniels, of Claremore, witness:

- "Q Do you know the applicant here, Eliza Ratcliffe?
A Yes sir, I got acquainted with her in '64, sir.
Q Where? A At the Salt Lake in Illinois District,
Cherokee Nation.
Q You say you saw her there in '64? A Yes sir....
she was cooking for a captian, fullblood Cherokee
they called Lecha, and he claimed to bring her
from Flint or Going-Snake, or Somewhere up there,
Q What become of her? A I lost sight of her.
Q Lost sight of her where? A Fort Gibson.
Q Did she come to Fort Gibson? A Yes sir.
Q How do you know? A I was in the wagon, drove
one of them.
Q She went to Fort Gibson with the army? A Yes sir."

In this case it was shown that the applicant had
been sold out of the Cherokee Nation four or five years prior
to the Commencement of the rebellion, and was not again in
the Indian Territory till subsequent to February 11, 1867,
and in its decision rendered on August 25, 1904, the Commission
to the Five Civilized Tribes so found, its finding being
concur ed in by the Commissioner to Indian Affairs, and
affirmed by the Department, November 12, 1904 (Departmental
letter I. T. D. 8198-04)

C. F. D. 755, John Morgan et al., T. D. Daniels,
of Claremore, witness:

- "Q Do you know the applicant, John Morgan? A Yes sir.
Q Do you know his wife, Cynthis? A Yes sir.
Q do you know when they returned to the Cherokee
Nation after the war? A Yes sir, I do.
Q What year? A In 1866.

- Q Where did you first see them? A Right at Fort Gibson, sir.
- Q Do you remember how they come there, or do you know?
- A On the steamboat.
- Q Where ~~in~~ did it land at? A Right there where the bridge is now.
- Q You saw him and his wife get off? A Yes sir, I moved them, I moved their goods off the boat.
- Q You state you saw him in Fort Gibson in '66?
- A Yes sir in November, October or November, the last of October or the First of November. Q In '66 A '66.
- Q What was the name of the Boat? A Lee Etta."

In its decision rendered on March 5, 1904, the Commission to the Five Civilized Tribes found that Hohn and Cynthia Morgan did not return to the Cherokee Nation after the rebellion till subsequent to January 19, 1867, and on September 27, 1904, (I.T.D. 5100-8011-04), its said decision was affirmed, the Department further finding that said applicants did not return to the Cherokee Nation till subsequent to February 11, 1867.

D. C. R. 198, Henry and Mariah Hayden. L. D.

Daniels, of Elaremore, witness:

- Q Do you know H. C. Hayden? A Yes sir.
- Q Do you know Mariah, his wife? A Yes sir I am well acquainted with her.
- Q Well, now, when do you remember of first seeing Mariah, the wife of Hayden, in the Indian Territory, after the war? A The first time I remember of seeing her it was about December 29 January 1, somewhere along there.
- Q Where did you see her? A I see her on East Cabin, near about a miler and a half or two miles from where they now live.

- Q Well, now, you say December? A It was either the latter part of December or first of January, '67.
- Q Do you remember who was with her up there? A I remember Harry Still.
- Q Harry Still? A Yes sir, and there was a girl and a boy, I did not inquire who they were.
- Q You have not see Mariah since that time? A Oh yes sir, I am very well acquainted with her."

In this case it was shown by satisfactory evidence that Mariah Hayden and her husband, Henry Hayden, had lived in and near Lawrence, Kansas, from the close of the rebellion till subsequent to the year 1873, and in its decision rendered on August 30, 1902, the Commission to the Five Civilized Tribes so found, its said finding being concurred in by the Commissioner of Indian Affairs and affirmed by the Department on November 28, 1902 (I.T.D. 6964-02). The Commission also found in C. F. '76 that the said Harry Still did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree, and said finding of facts was concurred in by the Commissioner of Indian Affairs (Lnad 63179-04), and affirmed by the Department on November 16, 1904 (I.T.D. 7678-04).

C. F. R. 283, Abraham Ward, et al. L. D. Daniels,
of Claremore, witness:

"Q Do you know the applicant (Abraham Ward)? A Yes sir.
Q How long have you known him?
A I got acquainted with him in the fall of '66.
Q Where did you see him in the fall of '66?
A At Fort Gibson.
Q How did you happen to see him at Fort Gibson in '66?
A He come to Amanda and Ruthie Adair's and was going
to take them away and I asked him what he was going
to do with them, and he said he was going to take
them to his people.
Q You had never seen him before that?
A No sir, he was a stranger to me then.
Q What time did you see him there (Fort Gibson)?
A In the fall.
Q What time in the fall? A First part of September
or the last part of August, somewhere along there.
Q How did you know it was in '66? A Because I was
living right there and I noticed all the girls that
come in there."

In this case it was shown by satisfactory evidence
that the said Abraham Ward lived in Kansas from the close of
the rebellion till subsequent to the year 1868, and in its
decision rendered on July 10, 1903, the Commission to the Five
Civilized Tribes so found, its said finding being concurred in
by the Commissioner of Indian Affairs and affirmed by the
Department of April 29, 1904 (I. T. D. 3254-04).

C. F. R. 375, Emily Walker et al. I. D.
Daniels of Claremore, witness:

- Q When did you first see her (Emily Walker) after the war closed? A Well, I aint certain, I think it was just before the cholera, and the cholera was in '67, commenced along about April, or May or June.
- Q You know how long before the cholera it was that you saw her that time? A She was ther after the surrender.
- A How long after the surrender? A She was cooking up there in the Quarters, and I could'nt state, just seen her every once in a while, cooking up there at the soldier' Quarter, Major Jugenberry.
- Q That was the time you saw her there, the first time you spoke about awhile ago? A I see her there in '62 and I sent to the Choctaw Nation the first day of March '62 and I come back in August, in September, on the tenth of August, and went back to the Choctaw Nation again in September, and came back in February '63, and I found Emily there then, cooking in these soldiers Quarter there then.
- Q Where? A At Fort Gibson, sir.
- Q Then when did you next see her after you saw her in '63? A I saw her there when the Cherokee were mustered out, at the soldiers Quarter, that was in June sometime, I think, '65.
- Q Then when did you next see her? A I aint positive of this fourth time I see her, but I think she was there just before the cholera broke out.
- Q You don't know how long before the cholera broke out?
- A It was the same spring I think, in '67.
- Q Did you see her yourself during the year '67?
- A Yes sir.
- Q Where? A At Fort Gibson.
- Q What time in '66? A It was the summer, I believe, or the fall; the soldiers was mustered out in '65. I dont know whether it was May or June, and Emily was ther then, I am satisfied of that, because I seen her.
- Q And then what time was it in '66 that you saw her?
- A I told you awhile ago that it was near about the fall of '66, and I was'nt certain, but I see her in the spring of '67 before the cholera broke out, that is just what I said."

In this case it was shown by convincing testimony that the applicant, Emily Walker, lived in Kansas from the year 1865 till subsequent to the year 1870, and in its decision rendered on April 20, 1904, the Commission to the Five Civilized Tribes so found, its finding being concurred in by the Commissioner of Indian Affairs and affirmed by the Department, on June 3, 1904, (I.T.D. 4235-04).

C. F. R. 380, Sandy Ross. L. D. Daniels, of Claremore, witness:

- Q You know when he (Sandy Ross) returned? A Yes sir, I do.
- Q When? A In the spring of '63.
- Q '63? A Oh, of '66.
- Q How do you know that? A I will explain how I know it; August '63, August '66, Lewis Daniels, Dug Webber and Hus Rogers, George Ross and four or five other Cherokee fellows went to Lewis Downing's on the river and this man was in one of them old houses there. I don't know whether it was Clem Yann's old place, or Tom Rider's, but it was close to the old Chouteau place.
- Q That was in '66? A That was in August, '66.
- Q How intimately have you known him since that time?
- A After that I don't know exactly how long it was it might have been a year or longer, probably two years, maybe three, he came to Gibson. I was there first and then he come afterwards and stayed there a long time. He was a preacher and he preached there for us; I never will forget him this side of the judgement, every time he would take his text it was the Seventh chapter of Corinthians."

In this case it was shown by competent testimony that the applicant, Sandy Ross, had continuously lived at Iola, Kansas, from 1866 till October, 1901, and in its decision rendered on April 20, 1904, the Commission to the Five Civilized Tribes so found, said finding being concurred in by the Commissioner of Indian Affairs, and affirmed by the Department on June 3, 1904 (I.T.D. 4342-04).

In re Polly Nivens: Realizing its inability to do the subject justice in a word picture of this most notoriously corrupt wench, this office will refrain from the attempt with the remark that if the matters set out below are not sufficient to impeach her character and show the utter worthlessness of her testimony, more evidence is at hand and can be secured on short notice.

In S. F. D. 723 Eliza Ratcliffe. Polly Nivens, of Fort Gibson, witness:

Q How long have you known her (Eliza Ratcliffe)?
A I have known her ever since directly after peace was made.
Q Where did you see her directly after peace was made?
A In Fort Gibson."

In this case it was shown that the applicant was not in the Cherokee Nation, after the rebellion, till subsequent to the time specified in the Whitmire decree, and it

was so found by the Commission to the Five Civilized Tribes, and its finding was approved by the Department on November 12, 1904 (Departmental letter I.T.D. 3198-04) Supra.

C. F. B. 723, Emily Walker. Polly Mivens, of Fort Gibson, witness:

- "Q Do you know this applicant, Emily Grinnett(Walker)?
A Yes sir.
Q How long have you known her? A I have known her all my life.
Q When did you first see her after the close of the war?
A I saw her when I was in Fort Gibson, cooking for the generals issuing rations to the refugees, just after the close of the war."

In this case it is shown that the applicant, Emily Grinnett Walker had lived in Kansas from the close of the rebellion till subsequent to the year 1870, and in its decision rendered on April 20, 1904, the Commission to the Five civilized Tribes so found, said finding being concurred in by the Commissioner of Indian Affairs and affirmed by the Department on June 3, 1904, (I.T.D. 4236-04), supra.

C. F. B. 795, Florence Bratcher, applicant, claiming through her father, Ike Rogers, deceased: Polly Mivens of Fort Gibson, witness:

- "Q Do you know Ike Rogers? A Yes sir.
Q Did you know him before the war? A No sir, just after peace was made.

- Q Where at? A Fort Gibson.
Q How long after that did you know him? A Off
and on all the time after that.
Q When did you get acquainted with him? A Well,
it was just after peace, he had on soldier's clothes
and I went to a dance and danced with him, and I
asked him if he was a soldier and he said n; he
just had on soldier clothes then.
Q Did you see him after that up to the time he died?
A Yes sir, off and on.
Q Where did you see him? A There in Fort Gibson."

In this case it was shown that said Ike Rogers
deceased, lived in Kansas from the close of the rebellion till
the early '80's and in its decision rendered on July 23, 1904,
the Commission to the Five Civilized Tribes so found, said
finding being affirmed by the Department on January 27, 1905,
(I.T.D. 7144, 12692-04).

C. T. D. 944, Sarah, et al. Polly Nivens, of
Fort Gibson, witness:

- "Q How long have you known her (Sarah Nelson)?
A Pretty near all my life.
Q Where did you first see her after the war?
A After peace was made?
Q Yes? A I first saw her at Fort Gibson, at
Caroline Foreman's.
Q What year was that? A It was just when peace
was made, the first year after peace was made.
Q Have you known her since that time? A Yes sir."

In this case it was shown that the applicant,
Sarah Nelson, had lived in Kansas from the close of the re
bellion till about 1873 or 1874, and in its decision rendered

on July 29, 1904, the Commission to the Five Civilized Tribes found that the applicant did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree, said finding being concurred in by the Commissioner of Indian Affairs and affirmed by the Department on August 22, 1904 (I.T.D. 6628-04).

C. F. D. 984, Fannie Nicholson, et al. claiming through Rhoda Bean, deceased, mother of Fannie Nicholson, Polly Nivens, of Fort Gibson, witness:

- " Q You know the applicant, Fannie Nicholson?
A Yes sir, known her all my life.
Q Knew her mother? A Yes sir, I was not much acquainted with her mother.
Q Do you know to whom her mother belonged at the beginning of the war? A Yes sir.
Q Who was that? A Old Mrs. Martha Bean.
Q Was her owner a citizen of the Cherokee Nation?
A Citizen of the Cherokee Nation.
A At the beginning of the war? A Yes sir."

In its decision rendered on July 29, 1904, the Commission to the Five Civilized Tribes found that the said Rhoda Bean, since deceased, "was not the slave of a Cherokee citizen, nor a free colored person residing in the Cherokee nation, at the commencement of the rebellion", said finding being affirmed by the Department on September 1, 1904 (I.T.D. 6674-04), the Department saying "The main witnesses for the applicants have testified in numerous freedman cases in the most contradictory manner, and have been contradicted by reputable witnesses of the Nation."

In addition to the contradictory testimony of this witness as given in many freedman cases, particular attention is called to the case of Bessie Phillips, et al., Cherokee Freedman Doubtful case No. 852, in which the witness was impeached by the testimony of four reputable witnesses introduced in behalf of the Cherokee Nation. A copy of said impeaching testimony is hereto attached, for the convenience of the Department in its investigation of the matters referred to in this protest.

In connection with the cases here under discussion the Department's attention is invited to the case of Nancy Humphries, Cherokee Freedman doubtful No. 30, Now R. 524. The record in this case shows that the said Nancy Humphries is a step-daughter of the said Joseph Riley, deceased, through whom the applicants herein, Ed Riley, et al., claim the right to enrollment, and further shown that the said Joseph Riley, deceased, and his wife, mother of the said Nancy Humphries, continuously lived in Kansas for ten twelve years next after the close of the rebellion, and that the said Joseph Riley, deceased, did not return to the Cherokee Nation till some time in the '80's.

In view of the foregoing it is respectfully contended that the applicants in this consolidated case have

failed to establish by satisfactory evidence their right to Cherokee freedmen citizenship, and under the ruling of the Department in the cases of Eliza Bryant, and others, supra., their application for enrollment as Cherokee freedman should be denied.

It is, therefore, respectfully requested that the Department reconsider this case and affirm the decision of the Commission to the Five Civilized Tribes, rendered herein on March 5, 1904, or, if after reconsideration, the Department is unable to grant this office's request, it is further requested that, in view of the fact that the testimony in this case was taken at a comparatively early period in the enrollment work, the record in said case be remanded for the purpose of permitting all parties at interest to introduce further evidence, which, no doubt, will result in producing a record absolutely conclusive, and from which a decision can be satisfactorily prepared.

In view of the fact that this office is perfectly familiar with the character and credibility of the three witnesses above named, together with that of several

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others equally notorious, and is duly bound to take notice of the fact that their testimony is wholly unreliable, and in most cases absolutely worthless, it is respectfully recommended that the Cherokee Nation be not required to incur the needless expense of impeaching their testimony in cases where such witnesses testify.

Respectfully,

Through the

Commissioner of Indian Affairs.

L M B

Commissioner.

Incl. B 45

DEPARTMENT OF THE INTERIOR,

Office of the Assistant Attorney-general,
WASHINGTON.

J. R. W.
W. C. P.
P. W. C.

I.T.D
5726, 11070-1904.
17248-1906.

February 15, 1907.

The Secretary of the Interior.

sir:

I received, by reference of January 17, 1907, for opinion, the communication of the commissioner to the five civilized tribes in the applications of Ed Riley and others for enrolment as Cherokee freedmen. The commission having denied those applicants, the department on review of the records reversed that action, September 8, 1905. June 15, 1906, the commissioner of his own motion, without a complaint or step by the action or its counsel for reconsideration or review of the departmental decision, volunteers as champion for the Cherokee Nation to obtain for it a relief that it does not ask, and filed a protest against the action of the department. The commissioner states that: .

The department has repeatedly ruled that the burden of proof is upon the applicants, and that they must show by satisfactory, clear, and convincing evidence that their right to Cherokee citizenship is perfect (citing eight decisions, none of which support his contention).

In view of the fact that the provisions of Article IX of the treaty of 1866 (August 11,--14 Stat., 799), were in a measure imposed upon the Cherokee Nation as a penalty for its conduct during the late rebellion, the justice of the above ruling become apparent, under the authority of these rulings,

it is that this office, for reasons set out below, begs leave to file its protest against the action of the department in reversing said decision of the commission to the Five Civilized Tribes, rendered March 5, 1904, wherein it was held that Ed Riley et al., doubtful cases, 696, 707, 708, 709, respectively, are not entitled to enrollment as Cherokee freedmen.

The commissioner then refers to three of applicants' witnesses, John Landrum, Polly Nivens and L. J. Daniels, as being unreliable, "valueless in determining facts at issue in any case in which they testify", and gives short excerpts of testimony given by one or more of them in thirteen cases, in five of which each of these testified on behalf of the applicants, and the applications were notwithstanding denied. The commissioner then concludes:

In view of the foregoing, it is respectfully contended that the applicants in this consolidated case have failed to establish by satisfactory evidence their right to Cherokee freedman citizenship, and under the rulings of the department, and others, *supra*, their applications for enrollment as Cherokee freedmen should be denied.

It is, therefore, respectfully requested that the department reconsider this case and affirm the decision of the Commission to the Five Civilized Tribes, rendered herein on March 5, 1904, or, if after reconsideration the department is unable to grant this office's request, it is further requested that, in view of the fact that the testimony in this case was taken at a comparatively early period in the enrollment work, the record in said case be remanded for the purpose of permitting all parties at interest to introduce further evidence, which, no doubt, will result in producing a record absolutely conclusive, and from which a decision can be satisfactorily prepared.

I have examined the eight departmental decisions cited

by the Commissioner and none of them uphold so strenuous and rigid rule of proof of freedman's right as stated by the Commissioner that the proof must be "satisfactory, clear, and convincing that their right..... is perfect." This is substantially that the proof must be "beyond reasonable doubt", a rule never applied, that I am aware, in any judicial proceedings except criminal prosecutions. I am of the opinion such requirement would work great injustice and hardship, where proof has to be made of the date of reversion to the domicile or origin after a lapse of forty years, when the majority of those then living have died and much of the evidence once available has been lost by death of witnesses and the infirmity of human memory.

It is true that applicants have the burden of proof, but the department has never established a rule as to the clearness, definiteness, cogency, and certainty of the proof more strict than in proceedings in civil and administrative cases, and I am of opinion it should not. I am unable to concur in what is apparently the Commissioner's view of the degree of proof required, and it has not been sanctioned by the department in any of the cases cited. If it were sanctioned, it would be erroneous, and ought to be receded from. Article IX of the treaty of 1866 was the same rule adopted by the people of the United States in all the states and

Territories within the national sovereignty, not a penalty, but as an act of justice and atonement for a crime of more than two centuries. If any change of the ordinary rules of proof is to be made, the lapse of time and eminently just character of Article IX would dictate liberality, rather than strictness in the proof required. It is well recognized rule of human life and conduct that reversion to the domicile or origin and to the allegiance of birth is a fact -- that is rather expected to occur, and legal presumptions are in its favor, not against it.

I am of opinion also that in absence of notice to the applicants or to their counsel of the contention of the commissioner, with opportunity to them to respond to it, it would be improper for the department to take the case into consideration with view to reversing its former action.

I have carefully read the evidence, and it is clear that Joseph Riley was a Cherokee slave at the outbreak of the rebellion, once to a Cherokee named Riley -- from whom his name was probably taken -- and later to one by name of Foreman. Joseph Riley and his wife are dead. The applicants were born after 1866. There was a reversion of the parents to the allegiance and domicile or birth. The applicants were born in the Nation and have always resided there. Evidence in the record justifies and supports the finding and judgment of the department. The Cherokee Nation.

-5-

has not asked a reconsideration of the decision of September 1, 1906, and the nation has been content with it as long, its application, if received, would properly meet with little favor in view of the fact that the rolls must be closed by March 4, 1907, and favorable consideration of such application would amount to a denial of applicants' enrolment.

I am, therefore, of opinion that the decision made by the Department should not now be disturbed.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved February 15, 1907.

F. A. Hitchcock
Secretary.

69Ks. jv. h. 54collect. COVT. 6:24p.m.

N. Washington, D.C., Feb. 19, 1907.

Commissioner to Five Tribes,

Muskogee, I.T.

Commissioner ordered to enroll Ed Riley, Mott Riley, Jessie Riley, Howard Riley, Annie Riley, Annie Riley, Sarah Flynn, Oliver Flynn, Joseph Flynn, Fannie Flynn, Serena Flynn, Nettie Flynn, Castella Flynn, Gracie Flynn, Richard Riley, Willie Riley, Mary Riley, and Fred Riley as Cherokee freedmen.

A. F. McGarr.

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

W.F.

I.T.D. 5676-1907.

February 19, 1907.

U.R.S.

direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory,

Sir:

There is inclosed a copy of an opinion of the Assistant Attorney-General for this department, of February 15, 1907, approved the same day, in the matter of the application of Ed Riley, et al., to be enrolled as Cherokee freedmen.

In accordance with said opinion the decision of the department of September 8, 1905, reversing your decision relative to the applicants, is adhered to. You are accordingly authorized to enroll as Cherokee freedmen such applicants, viz: Ed Riley, Matt Riley, Jessie Riley, Howard Riley, Annie Riley, Sarah Flynn, Oliver Flynn, Joseph Flynn, Fannie Flynn, Serena Flynn, Nettie Flynn, Castella Flynn, Gracie Flynn, Richard Riley, Willie Riley, Mary Riley (daughter of Richard Riley), and Fred Riley.

The papers in the case and copies of said opinion and this letter have been sent to the Indian Office.

Respectfully,

1 inc. and 10 for Ind. Of.

Thos Ryan,
First Assistant Secretary.

A.F. Mc.
2-19-07.

Cherokee Freedmen
D 696 et al.

Muskogee, Indian Territory, February 27, 1907

Starr & Patten,
Successors to Blue & Bulger,
Vinita, Indian Territory.

Gentlemen:

September 8, 1905, the Department reversed the decision of the Commission to the Five Civilized Tribes rejecting the applications for the enrollment of the applicants embraced in the consolidated Cherokee freedmen cases of Ed Riley et al. The Department further considered the case at the request of the Commissioner, and on February 19, 1907, in a letter addressed to this office, adhered to its decision of September 8, 1905, favorable to the applicants.

Respectfully,

L M B

Commissioner

Cherokee Freedmen
D 696 et al.

Washoe, Indian Territory , February 27, 1907

W. W. Hastings,

Attorney for Cherokee Nation?

Washoe, Indian Territory.

Dear Sir:

September 8, 1905, the Department reversed the decision of the Commission to the Five Civilized Tribes rejecting the application for the enrollment of the applicants embraced in the consolidated Cherokee Freedmen cases of M. Riley et al. The Department further considered the case at the request of the Commissioner, and on February 19, 1907, in a letter addressed to this office, adhered to its decision of September 8, 1905, favorable to the applicants.

Respectfully,

L M B

Commissioner

Cherokee Freedmen
D 696

Muskogee, Indian Territory, February 27, 1907

Ed Riley,

Hayden, Indian Territory.

Dear Sir:

You are advised that your application for the enrollment of yourself and children as Cherokee Freedmen was granted by the Secretary of the Interior on February 19, 1907.

You will be advised when your names have been placed upon a schedule of Cherokee freedmen approved by the Secretary of the Interior.

Respectfully,

L M B

Commissioner

Muskogee, Indian Territory, February 27, 1907

The Honorable,

Secretary of the Interior.

Sir:

February 19, 1907 (I.T.D. 3678-1907), the Department in accordance with an approved opinion of the Assistant Attorney General of February 15, 1907, ordered this office to enroll Ed Riley, Matt Riley, Jessie Riley, Howard Riley, Annie Riley, Sarah Flynn, Oliver Flynn, Joseph Flynn, Fannie Flynn, Serena Flynn, Nettie Flynn, Castella Flynn, Gracie Flynn, Richard Riley, Willie Riley, Mary Riley and Fred Riley, as Cherokee Freedmen.

In accordance with such direction there is enclosed for Departmental approval a schedule containing the names of these citizens. It will be noted that no roll numbers have been given the persons whose names appear upon the schedule herewith transmitted. This action was taken in accordance with procedure reported by me to the Department

Secretary-8

on January 28, 1907 and approved by the Department's telegram of February 9, 1907. It is recommended that numbers be placed upon this schedule in consecutive order, by Mr. McGarr, the employe of my office now in Washington.

You are advised that the Cherokee Nation protests against the enrollment of the persons whose names appear upon this schedule, and its protest filed by its attorney February 23, 1907, is enclosed.

Respectfully,

Commissioner

Through the Commissioner of
Indian Affairs.

Encl. B-56

Department of the Interior,

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14,
Henry Thomas,	Cherokee Freedmen D— 56,
Ella Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D—109,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—111,
Mary Jane Vann,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—119,
Ella Mayfield,	Cherokee Freedmen D—124,
Sallie Rider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Middleton,	Cherokee Freedmen D—178,
Mary Harlin,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—183,
John Kimbo,	Cherokee Freedmen D—198,
William S. Madden,	Cherokee Freedmen D—199,
Jané Bean,	Cherokee Freedmen D—205,
Albert T. Thomas,	Cherokee Freedmen D—249,
Mary Campbell,	Cherokee Freedmen D—279,
Caroline Daniels,	Cherokee Freedmen D—282,
Melvina Alberty,	Cherokee Freedmen D—287,
Dave Morris,	Cherokee Freedmen D—288,
Alexander Claggett,	Cherokee Freedmen D—303,
Amanda Martin,	Cherokee Freedmen D—304,
Eliza Martin,	Cherokee Freedmen D—317,
John E. Barnes,	Cherokee Freedmen D—318,
Bell Davis,	Cherokee Freedmen D—335,
Samuel Brown,	Cherokee Freedmen D—345,
Howard F. Watson,	Cherokee Freedmen D—347,
Jack McConnell,	Cherokee Freedmen D—349,
Maude Manley,	Cherokee Freedmen D—353,

George Reed, Sr.,
 Buck Ledman,
 Bell Thompson,
 Lewis Scott,
 Abe Scott,
 Kender Kender,
 Thomas B. Allen,
 Lewis Vanderford,
 John L. Bowlin,
 Katie Davis,
 Charles Williams,
 John J. Rose,
 Jane Martin,
 Lena Peterson,
 Alex Johnson,
 Martha Vana,
 John Scott,
 Nancy Rose,
 Charles C. Smith,
 Susie Colbert,
 William Skaggs,
 Susie Johnson,
 Alfred P. Hopkins,
 Kinzie Vana,
 Freddie Looney,
 Lucy Chontan,
 Alice Damm,
 Mahaley Ward,
 Fred B. Thomas,
 Beattie Beck,
 Ella Wesson,
 Millie Robinson,
 Mary W. Johnson,
 Frances Martin,
 Mary Riley,
 Emanuel Taylor,
 Henry Sykes,
 Larkin E. Russell,
 Stephen Davis,
 Malinda Vana,
 Frances Johnson,
 Annie Foster,
 Mary M. Rogers,
 George Washington Lane,
 Jane Brown,

Cherokee Freedmen D—382,
 Cherokee Freedmen D—406,
 Cherokee Freedmen D—411,
 Cherokee Freedmen D—420,
 Cherokee Freedmen D—421,
 Cherokee Freedmen D—422,
 Cherokee Freedmen D—423,
 Cherokee Freedmen D—426,
 Cherokee Freedmen D—444,
 Cherokee Freedmen D—455,
 Cherokee Freedmen D—472,
 Cherokee Freedmen D—474,
 Cherokee Freedmen D—482,
 Cherokee Freedmen D—490,
 Cherokee Freedmen D—493,
 Cherokee Freedmen D—498,
 Cherokee Freedmen D—501,
 Cherokee Freedmen D—512,
 Cherokee Freedmen D—514,
 Cherokee Freedmen D—520,
 Cherokee Freedmen D—545,
 Cherokee Freedmen D—545,
 Cherokee Freedmen D—550,
 Cherokee Freedmen D—552,
 Cherokee Freedmen D—572,
 Cherokee Freedmen D—584,
 Cherokee Freedmen D—585,
 Cherokee Freedmen D—608,
 Cherokee Freedmen D—650,
 Cherokee Freedmen D—665,
 Cherokee Freedmen D—667,
 Cherokee Freedmen D—674,
 Cherokee Freedmen D—692,
 Cherokee Freedmen D—698,
 Cherokee Freedmen D—699,
 Cherokee Freedmen D—722,
 Cherokee Freedmen D—725,
 Cherokee Freedmen D—726,
 Cherokee Freedmen D—741,
 Cherokee Freedmen D—742,
 Cherokee Freedmen D—743,
 Cherokee Freedmen D—744,
 Cherokee Freedmen D—752,
 Cherokee Freedmen D—755,
 Cherokee Freedmen D—765,

C. F. 696

Samuel L. Young,
John Buckner,
Willie Cox,
Leonard Bowles,
Malinda Murrell,
Charles Claggett,
Samuel Irlen,
Mary Ross,
Maggie Nave,
Neoma Nave,
Ella Ross,
Elizabeth Duncan,
Sadie Adams,
Georgeann Archer,
John Claggett,
Hattie Smith,
Jack Jackson,
Lula Sanders,
George Hazelrig,
Lizzie West,
Maria French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Deckman,
James B. Perry,
Isaac Welch,
Lawson Logan,
George Harwell,
Henry Masie,
George Adams,
Annie Thomas,
Lewis McConnell,
Callie Vann,
Lou Peters,
Ida Adair,
Robert Brown,
Alie Chambers,
Isom Jones,
Alice Gunter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D—761,
Cherokee Freedmen D—780,
Cherokee Freedmen D—781,
Cherokee Freedmen D—787,
Cherokee Freedmen D—788,
Cherokee Freedmen D—789,
Cherokee Freedmen D—798,
Cherokee Freedmen D—799,
Cherokee Freedmen D—808,
Cherokee Freedmen D—816,
Cherokee Freedmen D—840,
Cherokee Freedmen D—871,
Cherokee Freedmen D—880,
Cherokee Freedmen D—901,
Cherokee Freedmen D—913,
Cherokee Freedmen D—923,
Cherokee Freedmen D—938,
Cherokee Freedmen D—973,
Cherokee Freedmen D—987,
Cherokee Freedmen D—990,
Cherokee Freedmen D—1010,
Cherokee Freedmen D—1039,
Cherokee Freedmen D—1062,
Cherokee Freedmen D—1067,
Cherokee Freedmen D—1078,
Cherokee Freedmen D—1082,
Cherokee Freedmen D—1085,
Cherokee Freedmen D—1105,
Cherokee Freedmen R— 39,
Cherokee Freedmen R— 45,
Cherokee Freedmen R— 48,
Cherokee Freedmen R— 50,
Cherokee Freedmen R— 72,
Cherokee Freedmen R— 82,
Cherokee Freedmen R— 83,
Cherokee Freedmen R— 86,
Cherokee Freedmen R— 94,
Cherokee Freedmen R— 96,
Cherokee Freedmen R— 99,
Cherokee Freedmen R—100,
Cherokee Freedmen R—102,
Cherokee Freedmen R—104,
Cherokee Freedmen R—105,
Cherokee Freedmen R—106,
Cherokee Freedmen R—107,

Benjamin Clark,
Emily Looney,
John Groves,
Matilda McNair,
Bettie Vann,
Nelson Lett,
Fannie Rogers,
William Washington,
Squire Warren Owens,
Fannie Goldsby,
Susan Daniels,
Anderson Turk,
David Lane,
Felix McClain,
Henderson Jones,
Belle Vann,
Levi Stroud,
John Stumpter,
Mariah Thompson,
Ellen Sheppard,
Lula Melton;

Cherokee Freedmen R—108,
Cherokee Freedmen R—110,
Cherokee Freedmen R—112,
Cherokee Freedmen R—117,
Cherokee Freedmen R—122,
Cherokee Freedmen R—125,
Cherokee Freedmen R—129,
Cherokee Freedmen R—131,
Cherokee Freedmen R—143,
Cherokee Freedmen R—144,
Cherokee Freedmen R—146,
Cherokee Freedmen R—148,
Cherokee Freedmen R—155,
Cherokee Freedmen R—165,
Cherokee Freedmen R—173,
Cherokee Freedmen R—181,
Cherokee Freedmen R—196,
Cherokee Freedmen R—211,
Cherokee Freedmen R—230,
Cherokee Freedmen R—237,
Cherokee Freedmen R—247.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Newton Campbell for himself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, Osa Middleton; by John Kimbo for himself; by William M. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Burnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Munley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Oattie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson, Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Biley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dawd, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irlen, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perty, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED]	TAMS BIXBY, Chairman.
[SIGNED]	T. B. NEEDLES, Commissioner.
[SIGNED]	C. R. BRECKINRIDGE, Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN.

Date *April 11 1871*
 Post Office *Wagon*
 District *2nd*

1. Name *L. B. Riley* Age *35*
 Owner's name *L. B. Riley* Citizenship *free*
 Year *1865* Page *105* No. *4070* District *1st*

Parents:

Father *Joseph Riley* *dead* Citizenship *free*

Mother *Mary Riley* *dead* Citizenship *free*

2. Name of wife *Mary Riley* Age *30*

Owner's name *L. B. Riley* Citizenship *free*

Year *1865* Page *105* No. *4070* District *1st*

Parents:

Father *Joseph Riley* Citizenship *free*

Mother *Mary Riley* Citizenship *free*

3. Name of Children: *Nath Riley*

Year *1865* Page *105* No. *4070* District *1st*

Year *1865* Page *105* No. *4070* District *1st*

Year *1865* Page *105* No. *4070* District *1st*

Year *1865* Page *105* No. *4070* District *1st*

Year *1865* Page *105* No. *4070* District *1st*

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Year *1865* Page *105* No. *4070* District *1st*

Year *1865* Page *105* No. *4070* District *1st*

Year *1865* Page *105* No. *4070* District *1st*

Application made by *N. B. Riley*

Stenographer

Wm. H. T. & George Smith & Co. Publishers

Capt. by Smith and Mellette Smith.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 693

Trans. from Cher. F.D. 699

Cher. Fr. R. 693

Cherokee Freedman D 699

Manuel Taylor, colored, and citizen of the United States, issued Dec. 6", 1870 to marry Mary Alberty (Cold) citizen of the Cherokee Nation, Married by Rev.W.Willey.

License were issued in the above case on the necessary "Recommendation", & ret'd. to the Supreme Ct. of Commission, the law being silent regarding Col'd. Citizens of the U.S. & several similar license were issued before the decision of said Ct., which decide, Col'd persons married under the above license, are not Cherokee Citizens.

I hereby certify that the above is a true and correct transcript of the record in this office, Record of Marriages, page 7.

Seal

J. T. Parks
Clerk Tahlequah District C. N.

State of Kansas)
Montgomery County) ss.

Manuel Taylor of lawful age being duly sworn says his wifes name is Nancy Taylor instead of Mary as shown in this Certificate and has drawn her money as Nancy Taylor as her name appeared on the Rolls and he thinks it was an error in copying the certificate off of the Register in the Clerks office.

Manuel Taylor

Subscribed and sworn to before me this 25th day of August 1897

J. McCreary

Notary Public Commission Expires
March 22, 1899.

Seal

Muskogee, I. T., July 19, 1902.

I, H. M. Vance, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above is a true and correct copy of the record which is now on file in the office of the Commission.

H M Vance

"and Taylor, colored, and a citizen of the United States, is sued Dec. 6", 1870 to marry Mary Alberty (Col'd) a citizen of the Cherokee Nation, married by Rev. W. Willey.
 Licenses were issued in the above case on the necessary "Recommendation", & sent to the Supreme Ct. of Commission, the law being that, before the decision of said Ct., several similar license holders married under the above license, are not Cherokee Citizens.

I hereby certify that the above is a true and correct transcript of the record in this office, Record of Marriages, page 7.

J. D. Parkes
 Clerk Tahlequah District C.N.

State of Kansas }
 Montgomery County } ss

Manuel Taylor of Lawful age being duly sworn says his wife's name is Nancy ~~Alberty~~ ^{Taylor} instead of Mary as shown in this Certificate and has drawn her money as Nancy Taylor as her name appeared on the Rolls and he thinks it was an error in copying the Certificate off of the Register in the Clerk's office.

Manuel Taylor
 Subscribed and sworn to before me this 25th day of August 1897 J. M. Curran

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11, 1901.

In the matter of the application of Emanuel Taylor for the enrollment of himself as a Cherokee Freedman by intermarriage, and his wife and two grandchildren as Cherokee Freedmen.

Emanuel Taylor, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Emanuel Taylor.
- Q What is your age? A I don't know my age exactly, but I am about 55 I reckon.
- Q What is your post office address? A Lenapah.
- Q What district do you live in? A Cooweescoowee.
- Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Have you ever applied to be enrolled by any other Nation or tribe? A No, sir.
- Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A I guess so.
- Q Is your name on the roll of 1880? A I am an adopted man, my family is.
- Q You apply to be admitted as a Cherokee Freedman by adoption do you? A Yes, sir.
- Q By intermarriage? A Yes, sir.
- Q What is your wife's name? A Nancy, it was Nancy Alberty before this, but it is Nancy Taylor now.
- Q When were you married to her? A Married to her in 1870.
- Q Have you got any proof of your marriage? A Yes, sir.
- Q Please present it. (Hands Commissioner paper.)
- Q You been living with Nancy Taylor continuously since 1870? A Yes, sir.
- Q Were you ever married before you married her? A No, sir.
- Q Was she ever married before she married you? A I don't know sir.
- Q Where were you married? A Fort Gibson.
- Q Is Nancy Taylor a recognized citizen of the Cherokee Nation? A She is on the 1880 roll.
- Q Has she been listed for enrollment at this session of the Commission? A No, she hasn't made any application.
- Q Where is she? A She is sick; here is the certificate I got from the doctor (hands Commissioner paper.)
- Q Well, anybody else besides her? A Yes, sir, two grandchildren.
- Q Have you got any children of your own? A Yes, sir, but they are all grown.
- Q You have got no minor children? A No, sir, none but two grandchildren.
- Q What are their names? A Benjamin Johnson.
- Q How old is Benjamin Johnson? A He is 13 years old.
- Q What is the name of the next one? A Harvey.
- Q Is he living? A Yes, sir.
- Q How old is he? A He is 8 years old, in his 9th year.
- Q What is the name of the father of these children? A William Johnson.
- Q Is he living? A No, sir, he is dead, and their mother is dead.
- Q What is their mother's name? A Mary; she was Mary Taylor.
- Q I asked you what it is now? A It is Mary Johnson.
- Q Is she dead? A Yes, sir.
- Q She was your daughter? A Yes, sir.
- Q Is Nancy Taylor her mother? A Yes, sir.
- The 1880 authenticated roll of Cherokee Freedmen examined, and the applicants identified thereon as follows:
Nancy Taylor on page 187, No. 2920, Cooweescoowee district;
Emanuel Taylor not on said roll;

Emanuel Taylor - 2.

Mary Johnson on page 187, No. 3923, Coowasecoowee district, as Mary Paylor.

The 1896 census roll of Cherokee Freedmen examined and the applicants identified thereon as follows:

Nancy Taylor on page 421, No. 574, Coowasecoowee district; Emanuel Taylor not on 1896 roll;

Q How old would Mary Johnson be if she was living? A She would be 38 years old.

Benjamin Johnson on page 421, No. 576, Coowasecoowee district, as Ben Taylor;

Harvey Johnson on page 421, No. 577, Coowasecoowee district, as Harvey Paylor.

Q Are these children both living at this time? A Yes, sir.

Q Is your wife living? A Yes, sir.

Q Have you all ever lived in the Cherokee Nation since your marriage? A Yes, sir.

Q Living in the Cherokee Nation now? A Yes, sir.

Q Is this the only certificate of marriage you have got? A That is the only one I have got with me; I went to Tahlequah and got that.

Q Are all those papers you have got there? A They are administrators papers for these children.

Commissioner: Applicant presents a certificate certifying that he, Emanuel Taylor, colored, was married to Mary Alberty, a colored citizen of the Cherokee Nation, by Rev. W. Wiley. For further facts as to the marriage license, see the certificate, which is filed herewith.

Q You and Nancy have lived together all the time since your marriage? A Yes, sir.

Commissioner: Emanuel Taylor applies for the enrollment of himself as a Cherokee citizen by intermarriage, for his wife, Nancy, as a Cherokee Freedman of her own right, and for the enrollment of two grandchildren, Benjamin and Harvey Johnson, as Cherokee Freedmen. He makes satisfactory proof of his marriage to Mary Alberty, a colored citizen, on the 31st day of December, 1870, and satisfactory proof as to having resided with his wife from that time to this. The name of his wife Nancy is found upon the authenticated roll of 1880 and the census roll of 1896. He avers that the two grandchildren, Benjamin and Harvey Johnson, for whom he applies, are the children of his daughter, Mary, who was married to one William Johnson, and the said of said Mary is found upon the authenticated roll of 1880, and she is duly identified as the child of the said Nancy Taylor. The names of said children Benjamin and Harvey Johnson, are duly identified upon the census roll of 1896 as Benjamin and Harvey Taylor, they having been enrolled by the name of their grandfather, Emanuel Taylor. They are all duly identified and make satisfactory proof as to residence, consequently Nancy Taylor and her two grandchildren, Benjamin and Harvey Johnson, will be listed for enrollment as Cherokee Freedmen. The applicant, Emanuel Taylor, will be listed for enrollment as Cherokee by intermarriage upon a doubtful card, awaiting further consideration by the Commission. He will be notified by mail of the decision of the Commission when arrived at.

Mr. Davenport: Comes now the representatives of the Cherokee Nation and offer in evidence the decision of the Special Supreme Court, found on pages 86 and 87 of the minutes of the Supreme Court record, kept by the clerk of said Court.

Manuel Taylor - 3.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this 1st of June, 1901.



Commissioner.

1177

INDIAN TERRITORY,
CHEROKEE NATION.

Thereby certify that I served the within
notice to

by delivering a true copy thereof on the
day of A. D. 1901
Given under my hand this
day A. D. 1901

Marshal for Cherokee Nation

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
day of , 1901

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 17 1901

W. H. HAN

NOTICE!

IN THE MATTER OF The application of **Emanuel Taylor**
for enrollment as a Cherokee Freedman:

Case No. F. D. 699

To **Emanuel Taylor Lenapah** I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of **Fort Gibson, I. T.** Indian Territory, on the following dates, to-wit: **Sept. 25th** at **8 o'clock A. M.** A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **14th** day of **Sept.** 1901.

W. W. Haskins

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

In the matter of the application of *Cincinnati*
for enrollment as a Cherokee Freedman.

No. 1, D. *699*

Henry Pack, of lawful age, being duly sworn on
oath states that on the *11th* day of *Sept.*, A. D., 1901, he registered
to *Cincinnati* whose postoffice is *Lenape*
Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at *Lenape* Indian Territory;
and that on the *11th* day of *Sept.*, 1901, he received the return
card which is hereto attached, signed by the said *Cincinnati*, showing
that he had received said notice.

Subscribed and sworn to before me on this the *11* day of *Sept.*, A. D., 1901.

Henry Pack
Chattanooga
Notary Public.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Elise Martin, John E. Barnes, Bell Davis, Samuel Brown, Edward F. Watson, Jack McConnell, Maude Manley, George Reed, St., Buck Legett, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bewlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Gilbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Elsie Vann, Freddie Lantry, Lucy Chouteau, Alice Dorant, Samuel Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Warner,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buskner, Willie Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Afscher, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hasselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Jackson, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leckey, John Groves, Matilda McFair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Nelson, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1905. rejecting said applications.

Respectfully,

(SIGNED) *Tams Bixby*
Chairman.

Incl. K-8.
Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Nation
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Martham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Jave Morris, Alexander Chaggett, Ananda Martin, Eliza Martin, John S. Barnes, Nell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John I. Bewlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Lecney, Lucy

Cheuteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Kane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Rodson, Sarah Rogers, Abraham Ballard, Laura David, John Beckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gwenter, Katie Adair, Carrie Martin, Benjamin Clark, Holly Looney, John Groves, Matilda McAdair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McAdair, Henderson Jones, Belle Vann, Boyd Stroud, John Supter, Mariah Thompson, Ellen Shoppard and Lula Nelson, as Cherokee citizens by inspection.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

Secretary will be made known to you as soon as the Commission is
informed of the same.

Respectfully,

Signed: *Tamc Smith*
Chairman.

Incl. K-9.

COPY

Under Secretary
D-311.

Muskogee, Indian Territory, January 24, 1906.

Emanuel Taylor,

Lenapeah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James D. Dixey.
Chairman.

Encl. L-77.

Register.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

Refer in reply
to the following:
Land.
7908-1905

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Betson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbe, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Mae Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Hess, Charles C. Smith, Essie Colbert, William Shaggs, Essie Johnson, Alfred P. Hopkins, Elsie Vann Freddie Leoney, Lucy Chantem, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren,

Millie Robinson, Mary Webber, Frances Martin, Mary Kiley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox,

Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvon, Mary Ross, Maggie Nave, Neema Nave, Ella Ross, Elizabeth Dunsen, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lissie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Mims, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Strand, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by inter-marriage with a Cherokee Freedman; that none has ever been enrolled

or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

H.M.M.
W:

(C O P Y)

D. C. 20877-1905
I. T. O. 2904-1905

Y C P
F H R

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

April 17, 1905

Chief of the Five Civilized Tribes,
Wagon, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the application for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Francis Melton, John Nelson, Mary Jane Vann, Thomas Lewis, Ella Mayfield, Callie Minor, Reuben Campbell, Van Jackson Luther, Annie Middleton, Mary Martin, Nellie Fields, John White, William S. Madison, Jane Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Ingram, Annan Martin, Eliza Martin, John E. Barnes, Nellie Davis, Samuel Cook, Howard F. Watson, Jack Mc Connell, Frank Bailey, George Reed, Sr., Buck Ladson, Earl Thompson, Lewis Scott, Abe Scott, Vander Hampton, Thomas E. Allen, Lewis Vanderford, John L. Boulton, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert,
William Skaggs, Susie Johnson, Alfred P. Hopkins, Kixie Vann,
Freddie Leoney, Lucy Chouteau, Alice Durant, Mahaley yard,
Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Wiley, Emanuel Taylor, Henry
Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances
Johnson, Annie Foster, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
Bowles, Malinda Murrell, Charles Claggett, Samuel Irvon, Mary
Ross, Maggie Hays, Neoma Hays, Ella Ross, Elizabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Pattie Smith,
Jack Jackson, Lula Sanders, George Hazelrig, Kixie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Deckman,
James B. Perry, Isaac Welch, Lawson Logan, George Howell,,
Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers
Ison Jones, Alice Genter, Katie Adair, Carrie Martin, Benjamin
Clark, Billy Leoney, John Groves, Matilda McHair, Bettie Vann,
Nelson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Goldsky, Susan Daniels, Anderson Turk, David Lane,
Felix McClain, Henderson Jones, Belle Vann, Levi Strand, John
Smelter, Hariah Thompson, Ellen Sheppard and Julia Walton.

-3-

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) ^W THOS RYAN
Acting Secretary.

1 inclosure

COPY.

Cherokee Freedmen

D-699.

Muskogee, Indian Territory, April 28, 1905.

Emanuel Taylor,

Lenapah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGN

Tamc Bixby.

Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's
decision dated January 19, 1905, rejecting the applications
for the enrollment of William Davis, et al., as Cherokee
citizens by intermarriage, was affirmed by the Secretary of
the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tams Bixby*
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,

Cherokee Land Office,

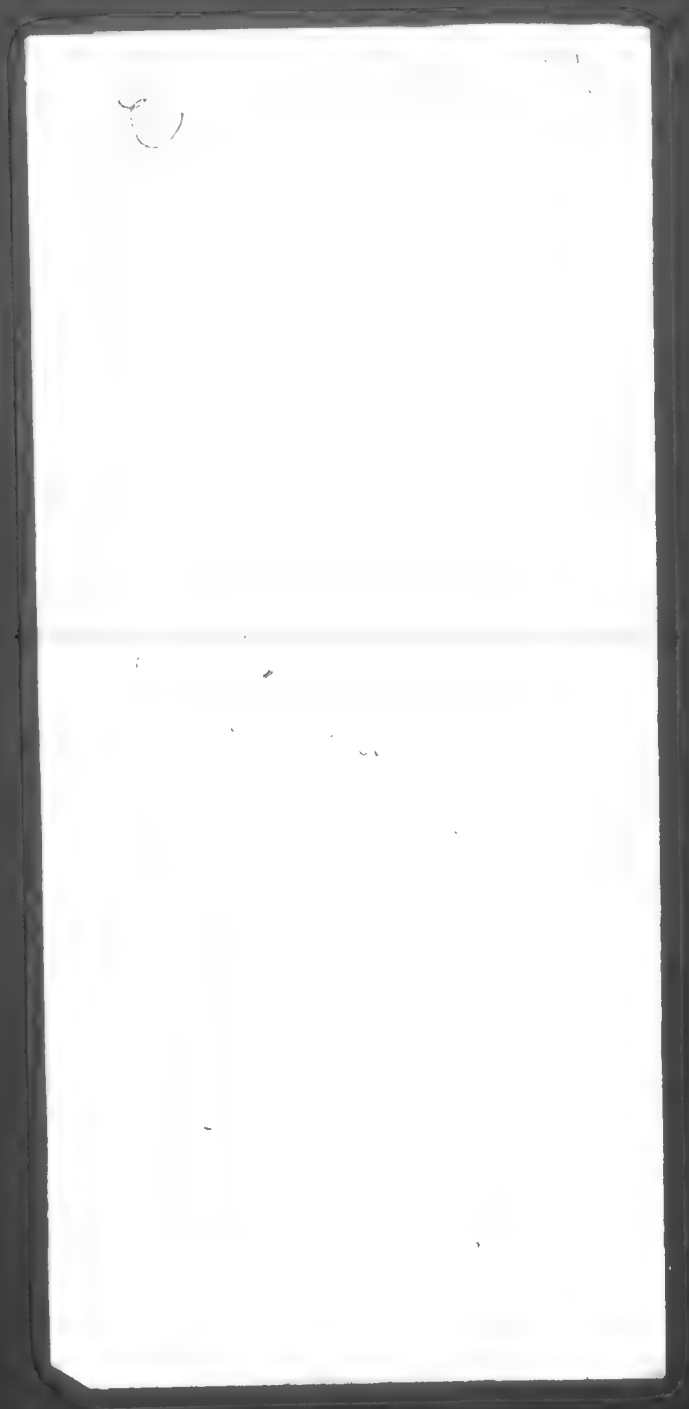
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tame Dixby*,
Chairman.



NOTE:--"Decision regarding colored citizens of the United States intermarrying with colored women citizens of the Cherokee Nation made June 20, 1871."

"Tuesday Morning, June 20, 1871."

"Court convened—Present same as yesterday. The making out of report continued until the court announced the following decision regarding certain colored men who have married colored women of the nation, towit:"

"The Court of Commission after mature reflection feel authorized to decide against all cases before it wherein colored or black men are claiming citizenship from marrying black female citizens under the law 'Regulating Intermarriage with White Men,' as they are convinced a correct interpretation of said law will not authorize a clerk of any of the courts to issue a license to a black man to marry a black woman as it only alludes to, and was intended for white men and Cherokee women."

"The Court believes it is further sustained in the opinion that colored citizens, are such by adoption, and as such, cannot confer rights upon others, without further legislation upon the matter; therefore decides 'The following named persons are not entitled to Cherokee citizenship as claimed, to-wit:'"

"George Washington, Cooweescoowee District.

"Henry Johnson, Tahlequah

"Lee Cooper,

"Henry Bird,

"William Madden,

"Alonzo Cullen,

"Solomon Foster, Illinois

"William Hudson,

"Haywood Youngblood, Sequoyah District."

EXECUTIVE DEPARTMENT, CHEROKEE NATION.

TAHLEQUAH, I. T., June 22, 1901.

I, J. T. Parks, Executive Secretary of the Cherokee Nation, Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the decision of the Supreme Court of the Cherokee Nation sitting as a "Special Court of Commission" as found on pages 86 and 87 Record Book No. Five entitled "Minutes of Special Court of Commission," on file in this department.

Given under my hand and the Great Seal of the Cherokee Nation at Tahlequah, Indian Territory, on this the day and date above written.

J. T. Parks
Executive Secretary of Cherokee Nation.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 11 1901

Post Office Acushnet, Mass.

District 1000

1. Name William J. Jones Age 56

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

2. Name of wife _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children:

3. Year _____ Page _____ No. _____ Dist. _____

4. Year _____ Page _____ No. _____ Dist. _____

5. Year _____ Page _____ No. _____ Dist. _____

6. Year _____ Page _____ No. _____ Dist. _____

7. Year _____ Page _____ No. _____ Dist. _____

8. Year _____ Page _____ No. _____ Dist. _____

9. Year _____ Page _____ No. _____ Dist. _____

10. Year _____ Page _____ No. _____ Dist. _____

11. Year _____ Page _____ No. _____ Dist. _____

12. Year _____ Page _____ No. _____ Dist. _____

Application made by W. J. Jones Stenographer W. J. Jones

Other marriage record attached

Yours,

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,
Henry Thomas,
Ella Vann,
Mary Markham,
Francis Melton,
John Dotson,
Mary Jane Vann,
Thomas Lowe,
Ella Mayfield,
Sallie Bider,
Reuben Campbell,
Van Jackson Luther,
Cassie Middleton,
Mary Harkins,
Nellie Fields,
John Kimbol,
William S. Madden,
Jane Bean,
Albert T. Thomas,
Mary Campbell,
Caroline Daniels,
Melvina Abbott,
Dave Morris,
Alexander Olggett,
Aminda Martin,
Elixa Martin,
John E. Barnes,
Bell Davis,
Samuel Brown,
Howard F. Watson,
Jack McConnell,
Maudie Mauley,

Cherokee Freedmen D-12,
Cherokee Freedmen D-32,
Cherokee Freedmen D-70,
Cherokee Freedmen D-109,
Cherokee Freedmen D-110,
Cherokee Freedmen D-111,
Cherokee Freedmen D-115,
Cherokee Freedmen D-116,
Cherokee Freedmen D-124,
Cherokee Freedmen D-147,
Cherokee Freedmen D-167,
Cherokee Freedmen D-174,
Cherokee Freedmen D-176,
Cherokee Freedmen D-179,
Cherokee Freedmen D-183,
Cherokee Freedmen D-188,
Cherokee Freedmen D-190,
Cherokee Freedmen D-195,
Cherokee Freedmen D-249,
Cherokee Freedmen D-255,
Cherokee Freedmen D-282,
Cherokee Freedmen D-287,
Cherokee Freedmen D-288,
Cherokee Freedmen D-293,
Cherokee Freedmen D-304,
Cherokee Freedmen D-317,
Cherokee Freedmen D-318,
Cherokee Freedmen D-335,
Cherokee Freedmen D-344,
Cherokee Freedmen D-347,
Cherokee Freedmen D-348,
Cherokee Freedmen D-353

George Reed, Sr.,
Buck Ledman,
Bell Thompson,
Lewis Scott,
Abe Scott,
Kender Lampton,
Thomas E. Allen,
Lewis Vanderford,
John L. Bowlin,
Katie Davis,
Charles Williams,
John J. Rose,
Jane Martin,
Lena Peterson,
Alex Johnson,
Martha Vann,
John Scott,
Nancy Ross,
Charles C. Smith,
Susie Colbert,
William Skaggs,
Susie Johnson,
Alfred P. Hopkins,
Kizzie Vann,
Freddie Looney,
Lucy Chouteau,
Alice Durant,
Mahaley Ward,
Fred D. Thomas,
Bettie Beck,
Ellis Warren,
Millie Robinson,
Mary Webber,
Frances Martin,
Mary Riley,
Emanuel Taylor,
Henry Sykes,
Larkin P. Powell,
Stepney Dawn,
Malinda Vann,
Frances Johnson,
Annie Foster,
Mary H. Rogers,
George Washington Lane,
Jane Brown,

Cherokee Freedmen D—382,
Cherokee Freedmen D—406,
Cherokee Freedmen D—411,
Cherokee Freedmen D—420,
Cherokee Freedmen D—421,
Cherokee Freedmen D—423,
Cherokee Freedmen D—424,
Cherokee Freedmen D—426,
Cherokee Freedmen D—444,
Cherokee Freedmen D—455,
Cherokee Freedmen D—473,
Cherokee Freedmen D—474,
Cherokee Freedmen D—486,
Cherokee Freedmen D—490,
Cherokee Freedmen D—493,
Cherokee Freedmen D—496,
Cherokee Freedmen D—501,
Cherokee Freedmen D—513,
Cherokee Freedmen D—514,
Cherokee Freedmen D—520,
Cherokee Freedmen D—545,
Cherokee Freedmen D—546,
Cherokee Freedmen D—550,
Cherokee Freedmen D—552,
Cherokee Freedmen D—573,
Cherokee Freedmen D—584,
Cherokee Freedmen D—588,
Cherokee Freedmen D—608,
Cherokee Freedmen D—650,
Cherokee Freedmen D—665,
Cherokee Freedmen D—667,
Cherokee Freedmen D—674,
Cherokee Freedmen D—691,
Cherokee Freedmen D—692,
Cherokee Freedmen D—696,
Cherokee Freedmen D—699,
Cherokee Freedmen D—783,
Cherokee Freedmen D—785,
Cherokee Freedmen D—786,
Cherokee Freedmen D—741,
Cherokee Freedmen D—742,
Cherokee Freedmen D—743,
Cherokee Freedmen D—752,
Cherokee Freedmen D—753,
Cherokee Freedmen D—760,

Samuel L. Young,
John Buckner,
Willis Cox,
Leonard Bowles,
Malinda Murrell,
Charles Claggett,
Samuel Irlen,
Mary Ross,
Maggie Nave,
Neoma Nave,
Ella Ross,
Elizabeth Duncan,
Sadie Adams,
Georgeann Archer,
John Claggett,
Hattie Smith,
Jack Jackson,
Lula Sanders,
George Hazelrig,
Lizzie West,
Maria French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Deckman,
James B. Perry,
Isaac Welch,
Lawson Logan,
George Howell,
Henry Masir,
George Adams,
Annie Thomas,
Lewis McConnell,
Callie Vann,
Lou Peters,
Ida Adair,
Robert Brown,
Alie Chambers,
Isom Jones,
Alice Gunter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D—761,
Cherokee Freedmen D—780,
Cherokee Freedmen D—781,
Cherokee Freedmen D—787,
Cherokee Freedmen D—788,
Cherokee Freedmen D—789,
Cherokee Freedmen D—798,
Cherokee Freedmen D—799,
Cherokee Freedmen D—808,
Cherokee Freedmen D—816,
Cherokee Freedmen D—840,
Cherokee Freedmen D—871,
Cherokee Freedmen D—880,
Cherokee Freedmen D—901,
Cherokee Freedmen D—912,
Cherokee Freedmen D—923,
Cherokee Freedmen D—938,
Cherokee Freedmen D—973,
Cherokee Freedmen D—987,
Cherokee Freedmen D—990,
Cherokee Freedmen D—1010,
Cherokee Freedmen D—1039,
Cherokee Freedmen D—1062,
Cherokee Freedmen D—1067,
Cherokee Freedmen D—1078,
Cherokee Freedmen D—1082,
Cherokee Freedmen D—1085,
Cherokee Freedmen D—1105,
Cherokee Freedmen R— 39,
Cherokee Freedmen R— 45,
Cherokee Freedmen R— 48,
Cherokee Freedmen R— 50,
Cherokee Freedmen R— 72,
Cherokee Freedmen R— 82,
Cherokee Freedmen R— 83,
Cherokee Freedmen R— 86,
Cherokee Freedmen R— 94,
Cherokee Freedmen R— 96,
Cherokee Freedmen R— 99,
Cherokee Freedmen R—100,
Cherokee Freedmen R—102,
Cherokee Freedmen R—104,
Cherokee Freedmen R—105,
Cherokee Freedmen R—106,
Cherokee Freedmen R—107,

Benjamin Clark,
Emily Looney,
John Groves,
Matilda McNair,
Bettie Vann,
Nelson Lett,
Fannie Rogers,
William Washington,
Squire Warren Owens,
Fannie Goldsby,
Susan Daniels,
Anderson Turk,
David Lane,
Felix McClain,
Henderson Jones,
Belle Vann,
Levi Stroud,
John Sumpter,
Mariah Thompson,
Ellen Sheppard,
Lula Melton,

Cherokee Freedmen R—108,
Cherokee Freedmen R—110,
Cherokee Freedmen R—112,
Cherokee Freedmen R—117,
Cherokee Freedmen R—122,
Cherokee Freedmen R—125,
Cherokee Freedmen R—129,
Cherokee Freedmen R—131,
Cherokee Freedmen R—143,
Cherokee Freedmen R—144,
Cherokee Freedmen R—146,
Cherokee Freedmen R—148,
Cherokee Freedmen R—156,
Cherokee Freedmen R—165,
Cherokee Freedmen R—173,
Cherokee Freedmen R—181,
Cherokee Freedmen R—196,
Cherokee Freedmen R—211,
Cherokee Freedmen R—230,
Cherokee Freedmen R—237,
Cherokee Freedmen R—247.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Denton Campbell for himself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, Oussie Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William S. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Munley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kendler Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martie for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Iven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Parry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Ouffie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Battie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irvén, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. B. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

Cher. Fr. R. 694

Trans. from Cher. F. D. 993

Cher. 694 Fr. Re.

(C O P Y)

Department Of
The Interior,
Commissioner to the
5 civilized Tribes:

In the matter of the motion to reopen
the Cherokee freedman case of John
McDonald, Sr.

Replying to the Cherokee Nation

The records in charge of the Commissioner to the 5 Civilized tribes shows that Jon McDonald, Sr. the principal applicant in this case, made application on July 1st, 1901 for the enrollment of herself and his children as Cherokee freedmen. The records further shows that his application was rejected July 10th, 1903 which was affirmed by the Secretary of Interior March 23rd, 1906. Additional testimony was taken in this case on Aug. 8th, 1905, and by the Department this case was reopened on Oct. 7th was again rejected.

Now at the time when the additional testimony was called for and taken in this case the applicants had not discovered any additional testimony hence they did not appear.

The hired witnesses for the Cherokee Nation was on hand to swear anything the Nation wanted them too. The evidence of C. D. Hardin who became acquainted with me at Fort Gibson, I. T. in 1866, he knows that I was the slave of John Glass from facts and statements made known to him at that time.

Take the testimony of Tom Harrison, Fox Glass, Polly Musrat, Lizzie Petit, and Bob Glass and others who were regular hired witnesses for the nation. They were not free men and women coming before the court to swear what they know to be fact, but they were on hand to swear what their employer wanted them too. They were otherwise very unreliable. They were criminals whiskey peddlers.

But by the evidence of C. D. Hardin a minister of the Gospel a man of good standing by him we are able to show that I was the slave of a Cherokee citizen. I submit that my case should be reopened for the introduction of newly discovered every evidence.

Very respectfully,

(Signed)

John McDonald.

Copy

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John McDonald, et al., as Cherokee freedmen, P. D. 993.

Reply of Cherokee Nation to Motion to Reopen.

The records show that John McDonald is the principal applicant and the others are his children and that they applied on July 1, 1901, for enrollment as freedmen citizens of the Cherokee Nation and that John McDonald claimed that his owner's name was John Glass. The record further shows that he was rejected by the Commission on July 10, 1903, but that upon his application the same was remanded on August 8, 1903, by the Department and that the applicants were notified, additional testimony taken in the case, and that he was again rejected on October 7, 1903, and his rejection affirmed by the Secretary of the Interior March 23, 1904.

There is no merit whatever in this case. He does not set up a thing in his motion, entitling him to a new trial; the copy of the motion filed with the Cherokee Nation is not sworn to, neither is the statement of C. B. Hardin, his witness, sworn to, and besides C. B. Hardin only claims to have known John McDonald since 1868, whereas the Cherokee Nation introduced a number of witnesses conclusively showing that he was not the slave of John Glass as claimed by him in his testimony and among these was Tom Harrison or Glass, who belonged to the said John Glass, who testified most positively that the applicant did not belong to him and Fox Glass, another witness for the Cherokee Nation, testified that he was a slave of John Glass and that the said John McDonald did not belong to John Glass, but they got acquainted with him about 25 years prior to that time in the neighborhood of Webbers Falls and he claimed to be a Delaware. Polly Murat was a daughter of John Glass, and she is a fullblood Cherokee, and she testified that she knew her father's slaves, that John was not one of them, and that she had never seen him before. Lizzie Pettit was another daughter of John Glass; she knew her father's slaves and she

testified positively that the applicant John McDonald was not one of them. Bob Glass was a slave of John Glass and he lived with him when the war broke out and he tells the names of all of Glass' slaves and he says that the applicant did not belong to him. Dave Maskret, the husband of Polly Maskret, testified to practically the same thing. The testimony is so conclusive in this case that the applicants did not belong to Cherokee citizens prior to the war that we hesitate to comment upon the testimony at any great length. The Commissioner of Indian Affairs on December 19, 1906, said:

"From the testimony it does not seem that John McDonald, Sr., ever lived in the Cherokee Nation prior to April 2, 1867, which is subsequent to the time within which he should have returned in order to be entitled to enrollment as a Cherokee freedman, nor does it seem from the record that he was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation at the beginning of the war."

In other words, he is denied both on the question of ownership and of return.

This case was remanded once before upon the motion of these applicants and we submit that there is nothing in this notice of appeal that applicant is entitled to have the case remanded again, and we submit that the motion should be denied.

Respectfully submitted,

W. W. McDonald

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Tahlequah I. T. May 14th 1904.

In the matter of the application for the enrollment of John McDonald et al
as Cherokee Freedmen.

Cherokee F. D. 993.

Brief of the Cherokee Nation.

The Commission to the Five Civilized Tribes on July 10 1903 being familiar with all of the testimony and the reputations of the several witnesses in this case unanimously rejected the applicants finding:

"it appears from the evidence in this case that John McDonald was not a slave of a Cherokee Citizen or a free colored person residing in the Cherokee Nation at the commencement of the rebellion."

The Honorable Commissioner of Indian Affairs reporting upon this case (Land 47515-1903) on February 11th 1904, after slightly reviewing the testimony finds that the preponderance of the evidence seems to conclusively shew that John McDonald Returned to the Cherokee Nation in 1866; but there was certainly no evidence in this case that John McDonald ever belonged to a citizen of the Cherokee Nation before the war, that that they were free colored persons residing therein. Upon investigation of the testimony of John McDonald himself it will be seen that it is extremely unsatisfactory and evasive all the way through.

His name is only upon the Wallace Roll and not upon the Kern & Clifton roll or on any of the Cherokee rolls.. He claims to have belonged to John Glass a Cherokee citizen prior to the war, who lived in Flint District but he knows little if anything of his owners surroundings and knows nothing whatever of the members of John Glass's family. He does not know his wife, neither does he give the names of his children but he does give the names of two or three of his slaves which he evidently found out afterwards. His original witnesses to substantiate his case were Columbus McHair and Jerry Vann neither of whom saw him prior to 1878, and McHair at even a later date. McDonald testifies at first that he stayed

around in the Cherokee Nation during the war, in and out and around and about working for the Delawares. Now it is an historical fact, and the treaty between the Cherokee Nation and the Delaware Indians shows that the Delawares acquired no rights in the Cherokee Nation until April 8, 1867 and that the Delawares lived in Kansas at the time and came to the Cherokee Nation in 1868 or 1869. These historical facts flatly contradict the testimony of McDonald in his own behalf. Besides McDonald testified when on the stand again in his own behalf that he left the Cherokee Nation about the beginning of the war and in a very unsatisfactory manner claims that he made his way to the distant state of Ohio where he joined the army and served to the end of the war. We do not see how this can be reconciled with his other statement of having been in the Cherokee Nation working around and about during the whole of the war.

Again, this contradicts his other witness George W. Vann who claims in a very unsatisfactory manner to have seen him around and about at different times during the war and finally when pinned down was not certain as to having seen him prior to 1870. The other records in the possession of this Commission show that the two witnesses George W. Vann and Horance S. Norman are freedmen applicants for citizenship and they have both been rejected upon the ground that neither of them belonged to citizens of the Cherokee Nation at the commencement of the war nor were they free colored persons residing therein at that time.. Norman was not born according to his testimony until 1859 and was certainly too young to have testified to the things which he attempted. As above observed both of these witnesses have themselves been rejected by the Commission. But neither of them attempts to know McDonald when he was a slave of John Glass and therefore there is not a single witness who testified before the Commission to the fact that the applicant was a slave of a Cherokee Citizen or free colored person residing within the Cherokee Nation. The applicant admits that he joined the Army in Ohio and it is indeed difficult to imagine how an ignorant negro, without any learning; with no knowledge of geography of the country could have found his way to the distant state of Ohio and we therefore contend, and submit, that the fact of his joining the army in the distant state of Ohio together with all the other circumstances in this case that it is conclusive of the fact that he must have been residing in the State of Ohio at the commencement of the war and not in the Cherokee Nation. If this applicant had belonged to John Glass

Glass, there are hundreds of witnesses he could bring forth to prove this. Upon the other hand the Cherokee Nation introduced Tom Harrison who was fourteen years of age when the war broke out and he testifies that he was a slave of John Glass and that the applicant John McDonald was not. Upon this point Tom Harrison is positive and his testimony shows that he was familiar with John Glass; with John Glass's Children; he gave the name of his wife and the names of his children, boys and girls, and the slaves owned by John Glass and he shows a thorough familiarity with John Glass's family and surroundings.

The Representatives of the Cherokee Nation as the preliminary judgment of the Commissioner in the field shows, thought that there was no satisfactory proof that John McDonald was ever a slave of a Cherokee citizen or that he resided in the Cherokee Nation as a free colored person at the beginning of the war and therefore felt confident that the testimony of Tom Harrison was entirely sufficient to rebut the conflicting, unsatisfactory and unsupported testimony of John McDonald in his own behalf and for this reason did not introduce any more witnesses in this case but in view of the fact that the Honorable Commissioner of Indian Affairs thinks differently about this case and disagrees with the members of the Commission to the Five Civilized Tribes who are on the ground and know the reputations of the witnesses who testified for applicant, the representatives of the Cherokee Nation now move that this case be reopened and remanded and that the Nation be permitted to introduce additional testimony upon both points namely:

First To the fact that the applicant was not a slave of a Cherokee citizen at the commencement of the rebellion nor a free colored person residing therein at that time.

Second: That he did not return to the Cherokee Nation in time to qualify under the treaty of 1866 or prior to February 11, 1867.

And in support of this motion attention is called to the fact that this slave ~~claims~~ ¹ claims to have been a school teacher in 1867 when it is a well known fact that no slave within the limits of the Cherokee Nation was sufficiently educated to teach school at so early a date after the war and attention is further called to the fact that McDonald does not account for his name not being that of his owner John Glass and that he testifies that he is of part Delaware blood and he further testifies that he was born in the Cherokee Nation when it is a well known historical fact that

no woman of Delaware blood lived or resided in the Cherokee Nation prior to the Cherokee-Delaware Agreement entered into April 8th 1867.

Attention is further called to the fact of the very unsatisfactory evidence all through this case on part of the applicants and of the well known fact that the Commission here upon the ground is very well acquainted with the disreputable reputations of both Vann and Norman who in an evasive and unsatisfactory manner attempt to testify for the applicant.

We are earnest in our belief that a great injustice will be done the Cherokee people, and honest freedmen, rightfully entitled to enrollment, if this applicant and his children are enrolled as citizens of the Cherokee nation. And we therefore most respectfully ask that our motion to reopen this case be granted and that the representatives of the Cherokee Nation be permitted to introduce additional testimony along the lines hereinabove indicated.

Respectfully,

W. W. Vann

Attorney for the Cherokee nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., July 1st, 1901.

In connection with the application of John McDonald for the enrollment of himself and three children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A John McDonald.
Q How old are you? A 52.
Q What is your post-office address? A Benge.
Q What district do you live in? A Sequoyah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A 3 children.
Q Give me their names? A John Jr.
Q How old is John? A About 18.
Q What is the next one? A Irving.
Q How old is he? A About 14.
Q Next one? A Jane.
Q How old is Jane? A About 10.
Q Are you married? A I was married way back during the war under the old fashion.
Q Your wife living? A My wife is dead now, yes sir.
Q How long has she been dead now? A She has been dead now about 14 years.
Q Is she the mother of Jane? A Yes sir, she is the mother of all the children.
Q What is your wife's name? A Siney.
Q Was she a ~~xxxxxx~~ citizen? A Yes sir, so said.
Q Have you any witnesses? A Yes sir.
Q Who are they? (No reply)
Q Your wife on any of the rolls of the Cherokee nation? A On the Wallace roll.
Q Not on the 1880 roll? A No sir.
Q Not on the Kerns-Clifton roll? A No sir, just the Wallace.
Q Where were you born? A In the Cherokee nation, Flint District.
Q Were you a slave? A Yes sir.
Q Who did you belong to? A John Glass.
Q Was he a Cherokee? A Yes sir.
Q Were you taken out of the Cherokee nation during the war? A No sir.
Q You never returned to the ex left the Cherokee nation during the war? A No sir.
Q Been here all the time? A Yes sir.
Q Why is your name not on the roll of 1880? A I tried two or three times, but I was so poor I couldn't get to it.
Q Have you been married more than once? A Only once.
Q Your wife's name was Siney was she a slave? A No sir, she was a state woman.
Q She the mother of all your children? A Yes sir.
Q How long did you say she had been dead? A I do not know, I think she must have been dead about 12 years.
Q She couldn't have been the mother of your youngest child then, because that child is only 10 years old? A Well I think ~~that~~ ~~the~~ ~~girl~~ ~~had~~ ~~in~~ ~~her~~ got the cart before the horse.
Q Now, in getting the child, or putting the names down? A In putting the names down.
Q She is the mother of John? A Yes sir.
Q What is that youngest one named? A Jane.
Q Are you sure Siney is the mother of Jane? A Yes sir, she said so.
Q Wasn't you around at that time? A Yes sir, women always tell a man whose child it is.
Q You know it was her child? A Yes sir.

Q Were you living there with her? A Yes sir.
Q What did you say "she says", wasn't you living there with her?
A Yes, I know it is her child.
Q I didn't ask you if it was yours, you know? A Yes, that's all
right, Judge; if I got wrong straighten me.
Q R. WILL. Cherokee Relative:
Q Where did he grow up? A Up in Flint district, pretty close
to Group Valley.
Q Did you live there? A Yes sir.
Q When did you ever get out of the Nation with your woman during
the war? A I was just around with different ones, working around.
Q There wasn't much working around then? A Well I know,
just about nothing about.
Q Where were you from '63 to '65? A I was around amongst the
Delawares, working around there, making rails and fencing.
Q Where were they at? A They was living in the flat on the
the Cherokee Nation, O.
Q Over there in the Verdigris and around? A Yes, about Bartles-
ville, Old Charley Journeycake.
Q Where do you live now? A In Sequoyah District.
Q Near what place? A Near Jacktown.
Q How far is that from Vian? A It is about thirty miles.
Q You way down in the bend of the river, are you? A Yes sir.
Q Towards St. Smith? A Yes sir.
Q How long have you lived down there? A About 22 years.
Q Where did you go from when you went to Jacktown? A I went from
here, I went from Big Creek.
Q In scouting around from '63 to '65 you were looking for the
Delawares was it? A Yes sir.

Wallace roll of citizens of the Cherokee Nation examined and
applicant identified on
page 126 #2640 John McDonald, Sequoyah District.

Q Was this woman of yours a citizen? A No sir.
Q She was a state freedman? A Yes sir.
Q Did you ever marry her? A Well we lived together as man and
wife.
Q Just took up? A Yes, old times, you know.

Wallace roll of citizens of the Cherokee Nation examined and
applicant's son identified on
page 126 #2641 John McDonald, Jr., Sequoyah District.

1880 authenticated roll of citizens of the Cherokee Nation
examined and applicant not found;
1890 census roll of citizens of the Cherokee Nation examined
and applicants not found;
Horn-Clifton pay roll of citizens of the Cherokee Nation
examined and applicants not found.

COLUMBUS McNAIR, being sworn by Commissioner Needles,
and examined by him, testified as follows:

Q What is your name? A Columbus McNAIR.
Q What is your age? A 51.
Q What is your post-office? A Vinita.
Q Are you a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir.
Q You know the applicant John McDonald? A Yes sir, I am slightly
acquainted with him.
Q How long have you known him? A I have been fairly acquainted

Q How old are you now? A 15 or 16 years, I reckon.

Q Where were you born? A In 1862 A No sir.

Q Where were you during the war? A No sir.

Q Were you ever a slave or not? A No sir.

Q Did you ever marry, Siney? A No sir.

Q Did you ever belong to the "know-nothing" party? A (No reply.)

JERRY VANN, called, sworn and examined by Counsel for the Plaintiff, testified as follows:

Q What is your name? A Jerry Vann.

Q How old are you now? A About 47.

Q Where do you live now? A Runaway.

Q Did you ever know John McDonald? A Yes sir, tolerable well.

Q How long have you known him? A Ever since about 173 I reckon.

Q Did you ever know him as a slave or not? A I do not.

Q Did you ever see him go out of the Cherokee Nation during the war?

Q Yes sir.

Q Was this the first time you ever saw him? A Yes sir.

Q Did you know his wife, Siney? A No sir, I don't.

Q Did you know his children? A Yes sir.

Q What children do you know? A John and Irving.

Q Did John McDonald ever live in the Cherokee Nation ever since

you saw him in 173? A Yes sir.

Q Did you ever know his wife? A No sir, I don't.

Q Did you ever know whether they ever lived together as man and

wife or were ever married? A No sir.

(The Court asked if he wants to examine the witness,

and says no.)

Applicant, JOHN McDONALD, re-called and further examined;

BY L.B. BELL, Counsel for the Represented Native:

Q Do you talk Cherokee? A No sir.

Q How did you learn to? A No sir.

Q Did John Glass talk English? A Yes sir, he talked good English.

Q That is the John Glass you belong to? A Yes sir.

Q Where did John Glass live, in Sequoyah District? A In Flint

District.

BY COUNSEL FOR THE PLAINTIFF:

Q Have you got any proof that you were married to your wife, Siney

or that you lived with her as man and wife? A No sir, I haven't.

Counsel for the Plaintiff: John McDonald applies for the enrollment of himself and 3 children; he avers that he was a slave of John Glass, and never left the Cherokee Nation during the war; he avers that he was married to one Siney in slavery times; has three children, John Jr., Irving and Jane; he cannot be identified upon any of the rolls of the Cherokee Nation except the Wallace roll; he and his oldest child, John Jr., are identified upon the Wallace roll; he presents no testimony substantiating the aversations that he makes that he remained in the Cherokee Nation during the war, or that he was the slave of John Glass, or that he was married to his wife, Siney; because of the fact that his name does not appear upon any of the rolls of the Cherokee Nation except the Wallace roll, he and his three children will now be listed for enrollment as Cherokee Freedmen, on a doubtful card, awaiting further consideration of the Commission; it will be necessary for him to make satisfactory proof of birth of the 2 younger children, also satisfactory proof of marriage, and also satisfactory proof as to his citizenship, which he fails to

John McDonald et al 4

Failed to do.

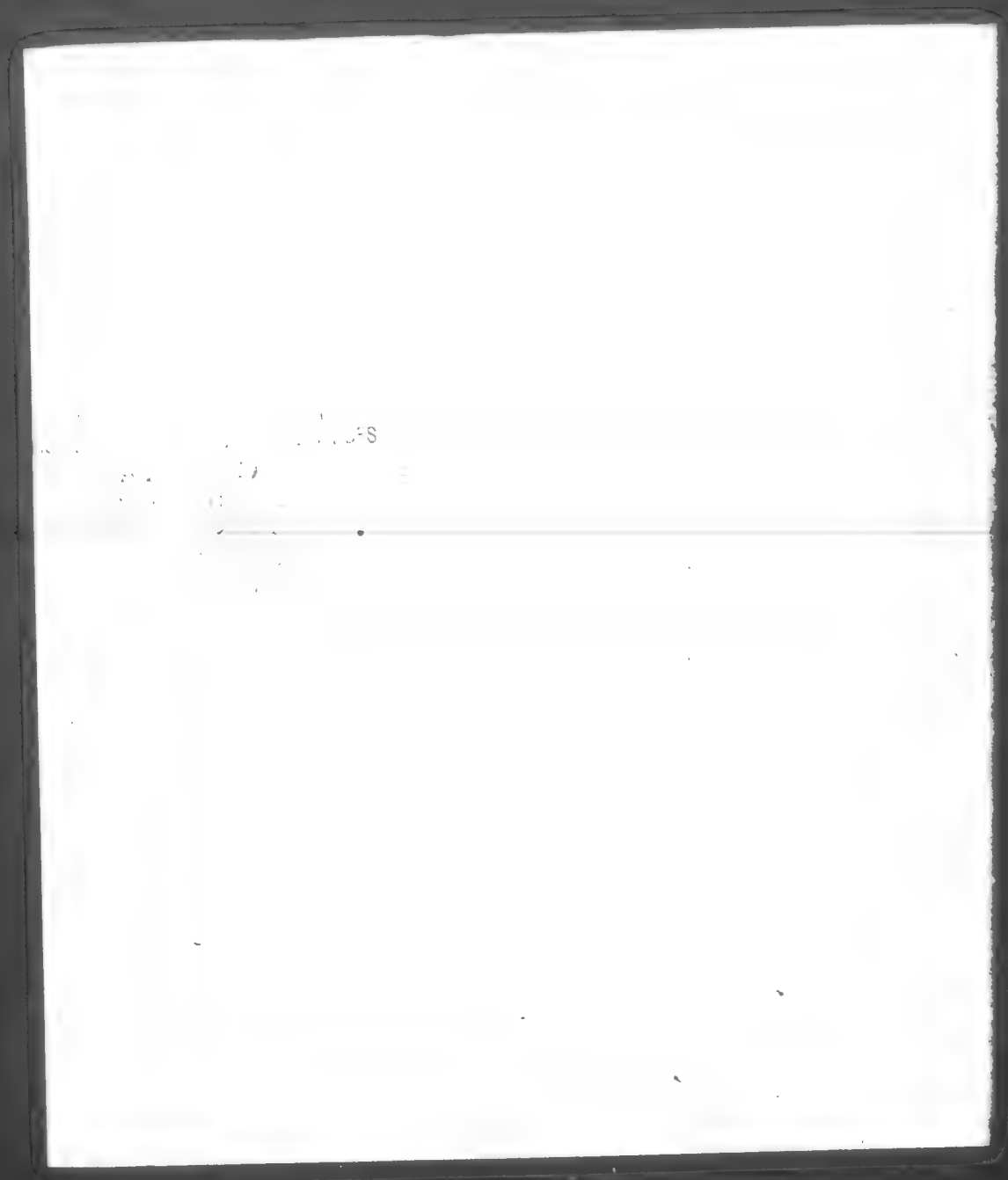
M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this July 15, 1901.



Commissioner.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 27, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JOHN McDONALD, et al., as Cherokee freedmen; introduced on the part of Applicant and Cherokee Nation:

APPEARANCES:

Applicant present in person; and by Attorney, J. F. Faulds;

Mr. James S. Davenport, of Counsel for Cherokee Nation

GEORGE W. VANN? being duly sworn, testified as follows,
on the part of Applicants:

MR. FAULDS: Your name is George W. Vann? A Yes, sir.

Q Your post office is Penge? A Yes, sir.

Q You will be 87 years of age the 27th day of December next?

A Yes, sir.

Q Do you know the applicant, John McDonald? A I do.

Q When did you first know him? A I first knowed him about two years before the war.

Q Where was he then? A He was sometimes in the Cherokee Nation, and sometimes I would see him in the State, I saw him here and saw him at Fort Smith.

Q Do you know where he lived when the war broke out, 1861?

A If he had a house of his own, I didn't know it; I never seed him at his house.

Q Where did you see him in 1861? A I saw him at Fort Smith and I saw him at Van Buren and Choctaw Nation and saw him at Fort Gibson, but I never saw his house, I never saw no house until here since.

Q Do you know where he was during the war? A Not all the time.

Q Do you know where he was at the close of the war? A He was down here in Sequoyah.

Q In what year? A Well, he was down there in about-

Q When did you see him? A I ain't going to say until I say the truth; let's see, that was, we was getting hay on the prairie the next time, cutting for the soldiers nine miles from Fort Smith.

Q Which way? A It was west, on this side of the river.

Q In the Cherokee Nation? A Yes, sir; gutting for the soldiers.

Q When was that? A I will tell you if you will give me time, I ain't going to say until I can tell the truth about it; we was cutting hay and John McDonald was up there where we was nine miles from Fort Smith on what is known as Gunter's prairie, and I think it was about the first of seventy, I know the war was winding up.

Q About what? A It seems to me it was about the first of seventy.

Q You didn't see him in '66? A Yes, sir, I did, I told you he was there backwards and forwards, I saw him before the war.

Q I asked you if you saw him in the Cherokee Nation at the close of the war? A I did, but he didn't stay there all the time.

Q Where did he stay? A He was everywhere, John McDonald didn't have any family.

Q Did you say you saw him in the Cherokee Nation in '66?

A Yes, sir.

Q Where has he lived ever since, do you know? A I ain't seed him until here long, that is to have a talk until along in '75, '5 or '6.

Q Where has he lived since '75 or '6? A On his plantation.

Q Where? A In Sequoyah district, Cherokee Nation, four miles from Fort Smith.

MR. DAVENPORT: Now, George, where did you see this applicant here the first time you ever saw him? A The first time I ever saw John McDonald, was he come to where we was cutting hay up on Gunter's prairie.

Q Was he there that before the war? A The war was going on.

Q You never saw him until after the war broke out?

A No, sir, I didn't.

Q When was it you saw him after the close of the war?

A Well, as soon as I saw him three or four different times, I saw him on Lees Creek.

Q When was it you saw him? A I am telling you up at Sam Barnes' on Lees Creek.

Q When was that? A That was after the war broke out.

Q What year? A Just to ~~sure~~ come out I don't believe I can tell and tell you the truth just about when it was, there was fighting and running about.

Q Then you didn't see him in 1866? A Yes, sir.

Q I want to ask you this, didn't you know that this John McDonald yesterday in his application to be enrolled as a Freedman citizen testified that he came to this country and the first work he did after the war was for Jake Bartles and Charley Journeyoake in Coconawadawee district? A No, sir.

Q Well, if he did testify to that was it true or untrue?

A I can't tell because I never seed him working anywheres, I saw him stayin' at Sam Barnes after he left the prairie.

Q You don't know what year that was? A It was in time of the war was going on, they begin to dodge and I saw him at Sam Barnes and I don't know.

Q I am not asking you about the war going on; where was it you saw him after the war and what year was it? I don't think I seed him until in Seventy, just what I think.

MR. FAULDS: I don't understand your testimony at all? A I do.

Q You said you saw him in '66 in the Cherokee Nation?

A And then I seen him in Seventy and he asked me when did you see him again and I said in Seventy.

Q Is it true or untrue you saw him in the Cherokee Nation in '66? A Why, yes.

MR. DAVENPORT: Where was it you saw him in 1866 in the Cherokee Nation? A I saw him in '66 while we was cutting hay up from Fort Smith, about nine miles, what is called Barker's prairie sometimes called that.

Q Who was cutting hay with you there in '66? A Why great many, it was the government cutting it, and haul it to Fort Smith, it was not me.

Q Now, George, don't you know that in 1866 the international laws would not let anybody take anything off of these lands without a special permit? A I know that we cut it and I can prove it 50 men here.

Q Can you prove it by any man who is not a claimant for citizenship that John McDonald was in the Cherokee Nation until 1870?

A I can tell you--

Q Don't you know that John McDonald was not in the country until 1870? A Yes, I do.

Q Don't you know you can't? A I ~~can~~ have proved several times I was, I can go to Fort Smith and get men that's worth ten thousand dollard and prove it.

Q Why don't you do it? A I did I got John Williams.

Q Yes, he is a sot, drunkard in Fort Smith?

A No, sir; I don't know it.

Q Well, now, George, you were helping to cut that hay the Government was cutting? A Yes, sir, I was there tending to the horses.

Q You were working for the government? A No, sir, I was working for one man, Quarter-Master.

Q What was his name? A His name was Judge Owens.

Q Judge or Col Owens? A Yes, sir.

Q Where has McDonald been living since you saw him there in '66?

John McDonald, et al.--2.

A I have been living since '70, about two or three miles from me.
Q Did you say you saw him working for before? A I didn't
see him working for anybody.
Q Didn't you say you saw him working at Barnes' on Lees Creek?
A I said I saw him there.
Q Where did you go to see him? A The next place after I seen
him on the prairie I seen him at Sam Barnes'.
Q When was that? A That was while the war was going on.
Q Now, George, don't you know that Sam Barnes was never on Lees
Creek until in the latter part of the Seventies?
A Oh, well, yes and married his wife on Lees creek and Mrs. Collins
they lived there.
Q Just answer the question? A I done say he was.

HORACE S. NORMAN, being duly sworn, testified as follows
on part of the Applicants:

Mr. Paulds: What is your name? A My name is Horace S. Nor-

man.

Q How old are you? A I guess I am about 42.
Q Do you know John McDonald, the applicant? A Yes, sir.
Q How long have you known him? A I could not tell you just
exactly how long, but I have been knowing him a good many years.
Q When did you first know him? A The first time I saw him was
here at Fort Gibson, I was small.
Q Well, have you any idea when that was? A It was about '66, I
saw him down here I know it was in that year because everybody
said it was '66, there was a great talk about '66.
Q Did you see him in Fort Gibson? A Yes, sir.
Q Well, have you known him off and on ever since? A Yes, sir,
I have.
Q Where is he living? A He lives down in Sequoyah district now.
Q How long has he lived there? A I guess about 22 or 3 years, I
am pretty certain it is along there somewhere.
Q Did you ever know him to live out of the Cherokee Nation?
A No, sir, not since I have known him.
MR. DAVENPORT: Did you ever know him to live in the Cherokee
Nation? A Sir?
Q Did you ever know him to have a home in the Cherokee Nation?
A I didn't know him anywheres else.
Q Where did you ever know him to have a home in the Cherokee Nation?
A Down in Secoyah.
Q Where is that home in Secoyah? A Down in Secoyah.
Q Where is that Secoyah? A About four or five miles from Fort
Smith.
Q How far from Henge post office? A I never measured it.
Q Now, how long has he been living at that home near Secoyah?
A I don't know; it is five miles-
Q I don't care if its five miles or what; I asked you how long he
has been living there? A I said he was living there 22 or 3
years.
Q It is just supposition with you about how long he has lived
there? A No, sir, he has lived there about 22 or 3 years.
Q He has lived down there ever since you went there? A He come
in there before I did.
Q And you got in there about 1879? A I went from here down
there.
Q Just answer the question; didn't you get down there about '79?
A No, sir, we went away frok down there soon after the smallpox
broke out.
Q Where were you when the smallpox broke out here?
A I was here with my mother, and run away from here for fear of
taking it.
Q Was then the first time you ever saw John McDonald? A No, sir;

Q Now, did you know him from when he came to Fort Gibson?

A Yes, I did. He is here.

Q Now, John McDonald was in the right there (indicating), about 1860, if you know a thing in the world about this man, that John McDonald was mustered out of an Ohio Regiment, the 5th Ohio and never was in this country until 1870?

A Yes, I don't know that. I know he swore here yesterday that when that when he came to this country and the first work he ever did was for Jake Bartles and Charles Journeycake in Cooweescoowee. A Yes, sir. I don't sit right over there and were him give his testimony.

Q Now, did he say he was here off and on. I don't sit right there and listen to him testifying, in which the first work he did in the Cherokee Nation after he came back here was for Jake Bartles and Charles Journeycake on the Cooweescoowee district, and he came from there to Fort Gibson, the first time he came here after the war?

A Yes, I think I seen him after that down here, and I don't know where down there I found him down there.

JOHN McDONALD, the applicant, re-called for additional examination on the part of Cherokee Nation:

Q Now, was the same McDonald that testified at the Commission at Nowata, July 1st, 1901? A Yes, sir. The same as his testimony here yesterday in a case?

A Yes, sir.

Q I will ask you in your testimony yesterday if you said that you first came to the Cherokee Nation and worked for Jake Bartles and Charles Journeycake on Big Creek in Cooweescoowee district and that you came down here to Fort Gibson and saw Horace S. Norton at Fort Gibson? A No, sir, I told you I been in the Nation all the time, and the times was so hard and all I come here to Fort Gibson for protection and from here I went to Big Creek and I was around amongst the colored people and from there to Charley Journeycake's and helped around at Charley's; I came right here for protection.

Q Now, what year did you swear that was in that you came here for protection? A That was in the year of 1860.

Q Now, do you claim to belong to before the war? A Old John Glass.

Q In what district? A In Flint district.

Q Now, many places had old John Glass before the war?

A I didn't know he had but one.

Q Now, how was it divided? A It was divided into different places, pretty large places was divided.

Q I will ask you if you made this statement before the Commission at Nowata on July 1st, 1901, 'I was around amongst the Delawares, working among them, making rails and farming'? A Yes, sir, I did.

Q And the following question was asked to which you gave the following answer: 'Where were they at, 'They was living in the Nation, here in the Cherokee Nation'? A No.

Q If you made that answer was it true or untrue? A For my part I said, no; it was not here.

Q Then you didn't make it? A No, sir.

Q Now, who constituted John Glass' family that you claim to belong to before the war? A What do you mean by that?

Q I mean what were the members of his family? A There were different ones, there was Ike Glass and Fox Glass and Joe Glass; Joe Glass was my father and there was two Glasses, old Joe was my father and Delany Glass was my mother, and old Joe Glass for his part, that is my father; you see there is two Glasses and Fox Glass.

John McDonald, et al.--

Q And these Glasses Delawares or Cherokees? A They were Cherokees.

Q Did you get your mixed blood? A I was mixed, my mother was mixed with the Delawares.

Q Were you born in the Cherokee Nation? A Yes, sir.

Q Where did your father mix with the Delawares? A There was a tribe of Delawares here and tracks and everything else.

Q Where did your father mix with the Delawares, here in the Cherokee Nation, or there? A Here in the Cherokee Nation.

Q What kind of building did Glass have, residence where you lived? A He lived in a kind of a frame house.

Q How many rooms? A I think there was about four rooms.

Q Where did he get water? A Got water out of the Spring, right kinda east of the house.

Q Were those slaves you were giving a while ago, the names of his boys you were telling? A Yes, sir.

Q Which was it, the slaves? A Slaves.

Q What were the names of his boys, his own family? A I do not know exactly.

Q Was the name of his wife? A Pshaw! He had different women; he had concubines, my mother stay done the cooking and served my daily.

Q Did he have any girls? A I didn't know any girls.

Q Did he have any boys? A I don't know anything about the boys.

Q Were living there on his plantation before the war? A Yes, sir.

Q And you claim to belong to him? A Yes, sir.

Q And that was the John Glass that lived in Flint district? A Yes, sir.

Q Now, do you pretend to say that you don't know who John Glass' wife was? A He didn't own none onlyetsy.

Q Don't you know that he had a woman that lived there with him as his wife? A No sir, I don't.

Q Don't you know whether he had any boys or girls? A No, sir.

Q Did he or not have any? A He did not.

Q Was anybody living near John Glass before the war? A Yes, sir.

Q Who was it? A There was Painters and all of them, Jug Starr, Zeke Starr and all of them.

Q Mr. HASTINGS, Cherokee Representative:

Q Zeke Starr lived right there when the war came up? A No, sir.

Q How far from him when the war came up?

Mr. Faulds: I object to different Attorneys.

Q Mr. DAVENPORT: John Glass talked english or Cherokee?

A Talked English.

Q How far did you say Zeke Starr lived from there when the war came up? A I don't know; about mile or two.

Q Do you know? A I think so, I don't know.

Q When did you first hear of Zeke Starr? (No response.)

Q I am waiting to find out when you first heard of Zeke Starr?

A Why, I knew Zeke Starr, knew him all my life.

Q Whose son was he? A I didn't know anything about the sons; slaves of such men didn't know anything much about the relatives.

Q Well, can you tell us anything more about the Cherokees that lived around near about John Glass? A There was Jug Starr and all of them.

Q How far did Jug Starr live from John Glass? A East.

Q How far? A I don't know.

Q Were you ever at his place? A I don't know; yes, I do.

Q Where did you get out of that country when you went from here to Ohio to enlist in that army? A I went from there here.

Q Whom did you go with? A I went by myself.

Q Did you go horseback or how? A I went on the card.

John to Omaha, et al.--8.

Q Was he one of the boys?
A Yes, sir, he was one of the boys that broke out. I don't have seen
a boy that old.
Q Was he old enough to know the slaves of John Glass?
A Yes, sir, I knew all of them.
Q Was he old enough to plow and farm? A Yes, sir.
Q Were you ever around here that claims to be named John
Glass?
A Yes, sir.
Q That is the applicant there, known as John McDonaugh, did
you see him before?
A No, sir.
Q I will ask you if you are able to state whether or not at the
time that he belonged to John Glass, the man you
belonged to, when the war broke out. A Yes, sir, he wasn't
there. All the boys was more crowded up with the all the
men.
Q John Glass was a family there. A Yes, sir.
Q Boys. A Yes, sir.
Q What were their names? A Yes, sir.
Q And their names, one of the other one was Bill and
John and one Looney.
Q What were their names? A Yes, sir, Willie and Billy.
Q Did he didn't belong to him and was not on the place when the
war broke out. A No, sir.
Q What is your name. A Tom Harrison.
Q How old you are 47 years old. A I said 52 years old.
Q How old you are 52? A Yes, sir, that is what my father said, sir.
Q How old you were 14 years old when the war broke out?
A I was big enough to plow.
Q How old you were 14 years old? A I don't know.
Q You were pretty big man at that time?
A No, I was a boy, wasn't no man.
Q How much do you weigh now. A I don't know, I never weigh.
Q Tell, how many slaves did John Glass have?
A Well, I can name them if you want them.
Q I asked you how many he had? A I will have to name them.
Q I don't ask you to name them. A Joe Glass was one and Harry died
was said before the war.
Q How long before the war? A Four years.
Q Were you at his funeral? A Yes, sir.
Q Helped carry him to his grave? A Yes, sir.
Q How long was four years before the war. A Yes, sir.
Q How old you were eight old then? A I was there.
Q How many slaves did you say he had? A One was named Joe
Glass and, I have to count them and tell you how many there was.
Q How many were there about 25 to 15? A There was Joe Glass, and
Bill and Mr. Fox, Bill, John, Dick and Henry, Sam and Jim and like
that was the biggest sized boys.
Q Is that all? A That is all.
Q You knew all these men at that time? A No, sir, all about age
of and some little older.
Q How much older? A I guess some five or six years difference.
Q There was not more than five or six years difference?
A Yes, boys together.
Q He had no grown up slaves? A Joe Glass and Looney and Harry
were grown men.
Q Didn't you say that none of them were men, that they were all
the size of you? A They was all men.
Q I asked you a while ago if he didn't have any slaves except these
young ones and those five or six years older than you? A No, sir,
I didn't say that.
Q Didn't you say that? A No, sir.
Q This all the slaves he had? A Yes, sir and women too.
Q Did he have women too? A Yes, sir.
Q You were quite an important man before the war?
A No, sir.

- three or four years before the war you were plowing?
A I don't know, I was plowing anyway.
Q You were plowing three or four years before the war?
A I plowed some anyway.
Q Before the war? A Yes, sir.
Q Do you say so or not? A I plowed before the war.
Q How many years before the war did you plow? A I can't count
it.
Q Five years? A I can't count that.
Q Can you count five? A No, sir.
Q Can you count that? A I know I plowed before the war.
Q How long before the war or short time? A It must have been
about, I was at home in '61 and I was plowing in that year.
Q You were plowing before that were you? A Yes, sir, during
that year.
Q Were you plowing before that? A I don't know, but when I was
plowing in the spring of '61.
Q You remember it well do you? A Yes, sir.
Q Plow all day long? A Yes, sir.
Q Just did as much plowing as any man? A As soon as they told
me to go I went.
Q How many cattle did you own? A I didn't own any.
Q How many cattle did John Glass own? A I don't know.
Q Do you know how many horses he owned? A He had six mules and
I don't know really how many horses; he had some horses and six mules
I know he had.
Q Do you know how many slaves he had? A Yes, sir, I was with
them all the time.
Q And you remember them all these years? A Yes, sir.
Q Count them over every year don't you?
A Yes, sir, I count them over.
Q So you won't forget it? A Yes, sir.
Q You are an applicant for citizenship yourself are you?
A Yes, sir.
Q What do you claim as? A Claim as a Cherokee freedman.
Q Have you always lived in the Cherokee Nation? A Yes, sir, I
have.
Q You are a slave of John Glass? A Yes, sir.
Q And you were here in 1864? A Yes, sir.
Q And been here ever since? A Yes, sir.
Q Right along? A Yes, sir.
Q You are not on the 1860 roll? A No, sir.
Q Do you know why? A Yes, sir, I do.
Q Were you out during that time?
Mr. Davenport: I object; that does not make any dif-
ference.
Q Well, have you seen all these slaves you spoke of off and on
since the war? A Yes, sir.
Q Every one of them? A Yes, sir.
Q Any of them died? A Yes, sir.
Q Well, then you haven't seen those that died off and on ever
since the war? A I know what is died.
Q How many of them is dead? A John is dead and Zeke is dead
and Sam and Jim is dead.
Q Where did they die? A Jim and Sam died in Flint.
Q Have you ever been convicted of anything? A No, sir, never
was tried before any court.
Q Never were? A No, sir.

John McDonadi, et al.--10.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes there f.

J. O. Rosson

Subscribed and sworn to before me this October 3d, 1901.



Commissioner.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 31, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JOHN McDONALD ET AL., as Cherokee freedmen.

APPEARANCES:

For Applicant, No appearance.

For Cherokee Nation, W. W. Hastings.

On August 8, 1905, this case was remanded by the Secretary of the Interior to the Commissioner for further hearing. On August 17, 1905, the principal applicant, John McDonald, and his attorney, A. S. McRea, Muskogee, Indian Territory, and the attorneys for the Cherokee Nation were notified that the case would be taken up for further hearing at nine o'clock A. M., on August 31, 1905. The applicant is neither present in person or by attorney.

FOX GLASS, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Fox Glass.
- Q What is your age? A 50 or 55.
- Q Were you born before the war? A Yes sir.
- Q And you are about 55 years old? A Yes sir.
- Q About how old were you when the war came up? A I expect I was about 12 or 13 years old.
- Q Are you a freedman citizen of the Cherokee Nation? A Yes sir.
- Q Are you on the 1880 roll? A Yes sir.
- Q Who was your owner before the war? A John Glass.
- Q In what district did he live? A Lived in Flint, I reckon.
- Q Near what town, what town was his trading point? A Evansville, Arkansas.
- Q Was John Glass living when the war came up? A Yes sir.
- Q He was a Cherokee by blood, was he? A Yes sir.
- Q Do you know this applicant, John McDonald? A yes sir, I got acquainted with him about 25 years ago at Webbers Falls in Canadian.
- Q What was he doing at that time? A He come in there as a school teacher and taught school there awhile, and he claimed he was part Delaware.
- Q Did he make any claim then as being a Cherokee freedman? A He had never said anything to me about it, that he was claiming to be a Cherokee freedman at all.
- Q How long did you know him around webbers falls at that time? A I guess two or three years around there, and then he went on off and I never saw him no more, and the next time I seen him he was claiming to be a Cherokee freedman then.
- Q How long was it afterwards before he claimed to be a Cherokee freedman? A I couldn't tell just how long, I had done moved away from there you know, Webbers Falls, I lived in Illinois then.
- Q When you first saw him about 25 years ago as you said at Webbers Falls did he then claim to be a slave of John Glass? A No sir.
- Q You belonged to John Glass in Flint, did you? A Yes sir.
- Q Well did this fellow say he was a slave of John Glass? A No sir, he never was.

Q Did you know John Glass's slaves? A Yes sir, I knowed all of them
Q Now commence first with the women and we will just take their
children in consecutive order and see how many of them you can
name? A Called one Easter, one called, -----
Q Did Easter have any children? A Yes sir.
Q Name those you can remember? A Well, Sam, Joe, Josh, Lewis and
there was one named Zeke.
Q Did Easter have one named Linda? A Yes sir.
Q Did she have one named John? A No sir.
Q Did John Glass have any other women? A Yes sir, there was mother.
Q What was her name? A Suki.
Q How many children did Suki have? A Three.
Q Name them? A Fox Glass, that's me, and Phil and John.
Q Now what became of John? A He died here along about 1890 I think.
Q And he was your brother? A Yes sir.
Q Is that the only John who was the slave of John Glass? A Yes
sir.
Q Did he have any other slave by the name of John except your bro-
ther? A No sir, he was the only John.
Q And he died in 1890? A Yes sir.
Q He was a man of a family? A Yes sir.
Q Is his wife and children living? A Yes sir.
Q Where did he die? A At Vian, at home.
Q You live at Vian? A Yes sir.
Q How far from your place? A He lived just about a half mile of
me.
Q What other women slaves did John Glass, the Cherokee John Glass,
have? A He had Betsy.
Q What children did Betsy have? A Two.
Q What were their names? A The oldest one named Austin.
Q What was the next ones name? A The baby, I don't suppose it had
a name, it was so little when it died.
Q When was the baby born? A In time of the war.
Q Then Betsy only had the one child, Austin, when the war came up,
what became of Austin? A He got killed in a fight in Illinois
District.
Q About how long ago? A About 10 or 12 years ago.
Q What became of Betsy, Austin's mother? A She died.
Q When? A In time of the war.
Q Did John Glass have any other women slaves by the name of Betsy
except this one? A No sir.
Q Was she or did she have any child by the name of John when the war
came up? A No sir.
Q The only child she had when the war came up was Austin, and that
is the only one you said was killed? A That is the one.
Q Did John Glass have any other women slaves? A Millie.
Q Did she have any children when the war came up? A No sir.
Q Is she living now? A No sir, she is dead.
Q Was there any other women? A No sir, that was all. Bob's mother
there.
Q What was her name? A Susie.
Q Did she have any children? A Yes sir.
Q What were their names? A Bob, Henry, Tom and Dick.
Q Did she have any girls? A Yes sir, one named Cynthia.
Q Is Bob the witness who just stepped in the room? and anno need
he was here? A Yes sir, he was the one.
Q Is Tom called by any other name? A He calls himself after he
left over home Tom Harrison.
Q Does he live at Lenapeh? A Yes sir.
Q Ut is the same Tom that has testified in this case? A Yes sir.
Q What became of Dick? A He got killed.
Q Is Henry living? A I suppose so, I haven't seen him for a good
while.

- Q Did John Glass have any men slaves? A Yes sir.
- Q What were their names? A Two named Joe, and young one named Harry.
- Q Was Harry alive when the war came up? A No sir, died way before the war.
- Q Is either of the two Joes living? A One died in time of the war in Fort Smith, and the other one died just here about 4 or 5 years ago.
- Q Are those all of the slaves both old and young that John Glass had when the war come up? A Yes sir, those are all the men he had, them three.
- Q Did John Glass have any others except those you have named? A Yes sir.
- Q You say you didn't see John McDonald until 25 years ago? A Yes sir.
- Q You swear positively John Glass didn't own him? A Yes sir.
- Q Did he ever try to get you to swear for him? A Yes sir, he come to me at Fort Gibson one time and tried to get me to witness for him, but I told him I didn't know anything about him and couldn't do it.
- Q That was the first time he ever claimed to you that John Glass owned him? A Yes sir, that was the first time.
- Q Did you ever know a free colored person by the name of McDonald that lived around John Glass? A No sir.
- Q Was there such a man as that in that vicinity before the war? A No sir.

ON BEHALF OF THE COMMISSIONER:

- Q Your mother was named Sukie? A Yes sir.
- Q Did she live with John Glass when the war came up? A Yes sir.
- Q Did Easter live with him? A Yes sir.
- Q Did all these other slaves whose names you have called live with John Glass when the war came up? A Yes sir.
- Q How many of these slaves lived at his house? A I can count how many but then all of those names I called.
- Q Did they all live at his house when the war came up? A Yes sir.
- Q Did he let out any of his slaves to work for other people? A Joe Glass, he stayed at Fort Smith, all the time, one of the Joes did, my uncle one named Joe, he was my uncle, he stayed home, this Joe Glass he kept him in Fort Smith I think all the time, and when the war come up he still remained there and just died there.
- Q How about the women, did he rent any of them out? A No sir.
- Q If he had any slaves who he let out other than these whose names you have called, you don't know anything about it? A Well I know he didn't let out none only him.
- Q About how old were you then? A About 12 or 13, may be more.
- Q You remember distinctly do you the names of all the old slaves? A Yes sir, I remember as good as I know he never let any out.
- Q And you remember all these young children? A Yes sir, we were children together, and this fellow come in here awhile ago, and we were all raised up in one yard.
- Q Betsy had a child named Austin and a child that died? A Yes sir.
- Q Do you know the name of the child that died? A No sir, I don't know whether they had named it or not, I don't know, Austin, Betsy's children were half Cherokees. A fellow by the name of An-ta-gee-skee, a Cherokee, lived with her, they were half Indians, Austin was and I suppose the baby was too.
- Q Did the baby die after the war come up? A The baby was born in time of the war, I suppose it didn't live very long after it was born.

- Q Where did your mother go when the war came up? A We stayed there all the time until, we didn't go no place until the soldiers come to Fort Gibson, then we goes over there.
- Q To Fort Gibson? A Yes sir.
- Q Did John Glass leave the Cherokee Nation during the war? A Yes sir, he went north and I think they arrested him some place and carried him south.
- Q Did he take any of his slaves with him north? A No sir.
- Q Where did all his slaves stay during the war? A They stayed at home a good while.
- Q Did all of his slaves leave the Cherokee Nation during the war? A Some of the slaves did, the rebel army taken them, but they came back. Tom was one of them, and lets see, who else, and Zeke is another, and a girl, I forgot now what her name was, she never did come back that girl.
- Q Where did Betsy go during the war? A She didn't go anywhere, she stayed at home.
- Q Did she go over to Fort Gibson with the others when the soldiers came down there? A I think she went to Fort Smith when the soldiers all come down in here.
- Q Did John Glass have more than one slave named Betsy? A That is all, just one, that is me knowing, Betsy.
- Q The first time you saw John McDonald was about 25 years ago?
- A Yes sir.
- Q Do you know how long he had been in the Cherokee nation at that time? A No sir, he just in there to webbers falls where I lived as a school teacher and then he taught school there awhile and after he went away, I didn't know what became of him until I saw him again at Fort Gibson, he wanted me to help him before the Commission while they were taking census, but I told him I couldn't do it.
- Q You don't know whether he returned to the Cherokee nation in 1866 or not? A No sir.

WITNESS EXCUSED.

POLLY MUSKRAT, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Polly Muskrat.
- Q What is your age? A 58.
- Q What is your post office? A Evansville; Arkansas.
- Q Flint District? A Yes sir.
- Q Who was your father? A John Glass.
- Q Your fat her was John Glass? A Yes sir.
- Q Was he a Cherokee? A yes sir, he was a Cherokee.
- Q Are you a full blood Cherokee? A yes sir.
- Q Were you living with your father when the war come up? A Yes sir.
- Q Living at home? A Yes sir.
- Q Did your father have some slaves? A Yes sir.
- Q You never saw this applicant, John McDonald? A No sir, I haven't.
- Q He isn't here this morning? A I aint seen him, never did.
- Q Now lets commence the names of the slaves and name them that your father John Glass had when the war came up. Being with either the men or women, either one? A Well the men that lived with us was two Joe Glasses.
- Q Did he have any other men? A Harry, he died before the war.
- Q Did he have any other grown men? A No sir, only the young boys.
- Q You willname them under the heads of their mothers? A Baster was the name of one of them.

- Q Now Easter, did she have some children? A She had children named Sam, Josiah, Zeke, Lewis, and young Joe Glass, the son of old Joe Glass.
- Q Did she have a girl? A She had a girl named Linda.
- Q Is that all the children Easter had? A Yes sir.
- Q Were they born before the war? A Yes sir.
- Q Well did John Glass have some other colored women? A Sukie had three children.
- Q What were their names? A One was Fox Glass and Phil and John Glass.
- Q What became of that John? A He is dead, that is Fox's brother, young John, he is dead.
- Q Is the Fox you mentioned the witness who was here on the stand awhile ago? A Yes sir.
- Q And this John you mentioned is his brother? A Yes sir, his younger brother.
- Q And he is dead? A Yes sir.
- Q How did he die, get killed? A No sir, just died in disease, he was living at Vian.
- Q Did John Glass have any other colored women? A Yes sir, he had one named Betsy.
- Q Did she have some children when the war came up? A She had two, the oldest boy born before the war was about 3 years old.
- Q What was its name? A Oscar or Austin was one, and the baby died just a little infant.
- Q Was that baby born when the war come up or during the war? A During the war.
- Q What became of Oscar or Austin? A He got killed at Illinois.
- Q About how long ago? A I just can't tell how long ago it has been.
- Q Since the war? A After the war.
- Q Killed in a fight? A Yes sir, just there among the boys.
- Q Did Betsy have any other children except Austin that was killed, and the baby born during the war? A That is the only children she had.
- Q What did you say became of this baby? A It died an infant.
- Q What became of Betsy? A She died at Fort Smith during the war.
- Q You mean before the war? A Yes sir, during the war.
- Q Now did John Glass have any other slaves by the name of Betsy, except this one? A No sir.
- Q He had a colored woman named Susie? A Yes sir.
- Q Did she have some children? A Yes sir.
- Q Name them? A The girl was named Cynthia, and the boys, Robert, Dick, Henry, Tom.
- Q Is Tom living? A I think he is living somewhere, at Coffeyville, I don't know.
- Q Does he sometime go by the name of Tom Harrison? A No sir, I never heard him called Tom Harrison.
- Q Is he a brother of Bob? A Yes sir.
- Q Did you see Bob come in here awhile ago? A No sir, I didn't.
- Q Well did John Glass have any other women? A Millie, that is the young girl.
- Q Did she have any children? A No sir.
- Q Now have you mentioned all of the slaves of John Glass including the men, women and children when the war came up? A Yes sir.
- Q Now you have mentioned one John and that was the brother of Fox you say, died at Vian since the war? A Yes sir.
- Q Was that the only John who was the slave of John Glass? A Yes sir.
- Q Did you ever hear of a free colored person about John Glass's before the war by the name of McDonald? A No sir, I never did.
- Q Who had this Betsy for a wife before the war and who is the reputed father of Austin and that baby? A It was a Cherokee man, named Au-gee-che.

Q Did anybody named McDonald have her for a wife? A No sir.
Q You never heard of a free colored man, or white man named McDonald?
A No sir.
Q You said you never saw this fellow applying here, John McDonald?
A No sir, never did.

ON BEHALF OF THE COMMISSIONER:

Q Betsy Glass died during the war? A Yes sir.
Q The only children you ever knew of her having were Austin and this infant that died? A Yes sir.
Q If she had any children older than Austin you don't know it?
A She didn't have any, I know she didn't.
Q Did all these slaves live on your father's place? A Yes sir.
Q Did he have any slaves he let out to work anywhere else? A No sir, only Joe Glass.
Q Before the war did he ever have any other slaves by the name of Betsy besides the one who is the mother of Austin? A No sir, she is the only one.
Q Did he sell any slaves before the war? A I think he did, but he just let me know of one.
Q What was that one's name? A Hannah.
Q Did he sell any others? A No sir.
Q He only had one slave he sold? A Yes, that is the only one.
Q Didn't any of these slaves have a child named John besides Sukie? A No sir, that is the only one, Sukie had her youngest, the baby.
Q Do you think there could have been a free colored man there in that country by the name of McDonald and you not know it? A No sir, I never did see him, never heard of him.
Q Did just a few people live around there? A Yes sir, where we lived they were just all full bloods.
Q Were there any free colored men up in there? A No sir, only Ike, but he is dead.
Q Were there any free colored persons around your father's place at the time the war came up? A No sir.
Q Had there been any around there before that? A No sir.

W I T N E S S E X C U S E D.

The taking of the testimony in this case was here continued until one o'clock P. M.

At one o'clock P. M. pursuant to continuance heretofore had in this case, the taking of testimony was resumed and concluded.

APPEARANCES:

For Applicants, Neal & London, by John London.
For Cherokee Nation, W. W. Hastings.

LIZZIE PETTIT, being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name? A Lizzie Pettit.
Q How old are you? A About 63 years old.
Q What is your post office? A Braggs.
Q Who was your father? A John Glass.
Q Where did he live before the war? A In Flint District.
Q Was he a Cherokee? A Yes sir.
Q Did John Glass have any slaves before the war? A Yes sir.

- Q Do you remember the names of any of them? A Yes sir.
- Q Commence with the men, what are their names? A Two Joes, and Harry.
- Q What was the other ones name, did he have any more but those when the war come up? A No sir, had some young boys.
- Q Did he have any women? A Yes sir.
- Q What were their names? A One named Easter.
- Q Did she have some children? A Yes sir.
- Q What were their names? A One named Sam, Lewis, Josian, and young Joe, one named Zeke.
- Q Did she have any girls? A yes sir, one girl, Linday they called her.
- Q Any more women? A Sukie.
- Q Did she have any children? A She had three boys.
- Q What were their names? A One named Fox.
- Q Is that the Fox here, the witness? A Yes sir, one named Phil and John, the youngest one.
- Q What became of John? A He died.
- Q When? A About 5 or 6 years ago.
- Q He was a brother of Fox? A Yes sir.
- Q Did John Glass have one more colored women? A Yes sir.
- Q What was the next ones name? A Susie.
- Q Did she have some children? A Yes sir.
- Q What are their names? A One named Rob, this witness here, and Tom, Dick, and Henry, and a girl named Cynthia.
- Q Did he have any more women? A Betsy.
- Q Did she have some children? A Two boys.
- Q What were their names? A One Austin, the oldest one.
- Q What was the next ones name? A I couldn't tell you, some kind of curious name in Cherokee.
- Q What became of the second one? A He died on the way to Gibson.
- Q When did he die? A In time of the war.
- Q Which died first the baby or the mother? A The mother died first.
- Q And she died at Port Smith? A First, yes sir, then they brought the baby and it died.
- Q Did Betsy have any other children born other than this boy Austin and this baby? A No sir.
- Q Did John Glass have any colored woman named Betsy other than this Betsy? A No sir.
- Q What became of Austin? A He got killed.
- Q After the war? A Yes sir.
- Q Who was the reputed father of Austin and this child? A Cherokee man called Au-gee-gee.
- Q Now you have said she had one more colored woman? A That is Millie.
- Q Did she have any children when the war commenced? A No sir.
- Q Now have you mentioned all of the slaves of John Glass? A Yes sir.
- Q Including the men, women and children? A Yes sir.
- Q You have mentioned one John which is the brother of Fox? A Only one John.
- Q Was there a free colored man or white man or Cherokee that stayed about John Glass's place by the name of McDonald? A No sir, not that I know of.
- Q Were you single and living with your father when the war came up?
- A Yes sir.
- Q Were you living there at home? A Yes sir.
- Q Did you ever see this applicant John McDonald? A No sir, I don't know him, I never did hear of him until the first time they wrote to me.
- Q And your father owned no man nor child by the name of John other than this brother of Fox's? A No sir, that is the only one.

Q And how old did John die at Vian? A Yes sir.
Q Did he intend to have a family down there? A Yes sir.
Q Wife and children? A Yes sir.
Q Was your father the only John Glass who owned slaves in Flint before the war? A Yes sir.
Q And he had but one Betsey? A Just one.

Q Mr. LOMBARD:
Q How old was your father? A I expect he was about 63.
Q How old were you at the commencement of the war? A I think I was about 20 or 21.
Q How many slaves did your father have? A I couldn't remember, all what I named.
Q You named all he had? A Yes sir.
Q Did he keep them all at one place? A Yes sir, but Joe Glass, he was hired out at Fort Smith, he died there.
Q Was that the only slave he ever hired? A Yes sir.
Q Now you say whose children were Lewis, Joe, Josiah, and Zeke?
A Easter's children.
Q Easter was Joe Glass's wife? A Yes sir.
Q Now Joe Glass and Easter had one boy named Joe, one named Josiah, Zeke and Lewis? A Yes sir.
Q What other boy did she have? A Sam, the oldest one.
Q That was Easter, the oldest one named Sam? A Yes sir.
Q How many boys did Easter have? A 5 I believe.
Q Did Sam, Lewis, Joe, Josiah, and Zeke? A Yes sir, and one girl.
Q How many boys did Suki have? A 3 boys.
Q Was her name Suki or Sina? A Suki.
Q How old was Sam at the commencement of the war? A I couldn't tell you, I don't remember, a big boy.
Q Well study and see if you can't remember how old he was? A I guess about 17 or 18.
Q How old was Lewis? A He was about 8 or 9.
Q How old was Joe? A Joe was about two years old.
Q How old was Josiah? A He was about 13 I reckon.
Q How old was Zeke? A He was about 11.
Q Now you are sure these are the children of Easter, are you?
A Yes sir.
Q You are sure that these children, Lewis, Joe, Josiah, Zeke, and Sam are not the children of Suki? A No sir, they are Easter's.
Q What are Suki's children named? A Named Fox, Phil and John.
Q How old is Fox? A I couldn't tell you.
Q How old is Phil? A About 30 now.
Q How old was he when the war come up? A I guess about 17 to 20.
Q Well, how old is he now? A I guess he must be,-----
Q What did Fox do, what was his job around the place? A Farm.
Q What did Phil do? A Farm too.
Q What did John do? A He didn't do much he was a little boy.
Q You say John died? A Yes sir.
Q Who told you he died? A His brother here.
Q What ever become of Joe? A This young Joe?
Q No Joe, Easter's boy? A He died at Fort Smith.
Q When did he die? A During the war.
Q Did you see him after he was dead? A Yes sir.
Q What became of Josiah? A He died too.
Q Where did he die? A In Flint.
Q How old was he when he died? A This young Josiah.
Q Yes, Easter's boy? A I guess he was about 14.
Q Soon after the war? A Yes sir.

Q John died how long ago? A 5 or 6 years ago.
Q What became of Bob? A He is here.
Q And that other one is here? A Fox.
Q Is Dick here? A Dick is dead, he got killed.
Q Where is Henry? A I don't know where Henry is living, I haven't seen him.
Q You are sure that he kept all his slaves at home? A Yes sir.
Q None of them hired out? A No sir, none but that Joe.
Q You say you were 20? A Yes sir.
Q What did you do before the war? A Just stayed there at home and worked.
Q You are sure that your father never had any slaves hired out to anybody except old Joe? A No sir.
Q How come him to have one named Joe and one named Josiah? A That is what they called him.
Q You never saw John McDonald, this applicant? A No sir, I don't know him.
Q Would you know one of these boys if you should see them now you reckon? A Yes sir, I know Fox.
Q Now is there any one of these boys alive that you don't know now where he is at except Henry? A Yes sir, except Henry and Tom.
Q Now you are positive that Easter didn't have a boy named John?
A Yes sir.
Q And you are positive Sukie's boy named John is dead? A Yes sir.
Q You didn't see him when he died? A No sir.
Q Who told you? A His brother Fox.

W I T N E S S E X C U S E D.

BOB GLASS, being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name? A Bob Glass.
Q How old are you? A About 56 or 57, I don't know exactly how old I am.
Q Were you the slave of a Cherokee citizen before the war? A Yes sir.
Q Who was your owner? A John Glass.
Q Where did he live? A In Flint District.
Q Did John Glass have some other slaves besides you? A Yes sir, a good many.
Q Now name them, begin with the men if he had any? A Joe Glass, and my father called, Joseph Glass, and Harry.
Q Was Harry alive when the war come up? A No sir.
Q Then he had two? A Yes sir.
Q Did he have any women? A Easter.
Q Now give us her children? A Linda, Sam, Jim, Lewis, Joe.
Q Did Easter have any other children? A Them were all I know of.
Q Did she have one named Zeke? A Yes, Zeke, I forgot him.
Q Do you know whether she had one named Josiah? A That is the one I called Jim.
Q Now what as the next one? A Sukie.
Q Did she have any children? A Yes sir.
Q What were their names? A Fox, Phil and John.
Q Is Fox one of these witnesses out there? A Yes sir.
Q Is John a brother of Fox? A Yes sir.
Q What became of John? A He died.

Q Where did he die? A Right back here near Vian.
Q How long ago? A I couldn't tell you exactly.
Q The last few years? A A few years back.
Q Was he a man of a family when he died? A Yes sir, they say he was.
Q What was the next woman's name that John Glass had? A Betsy.
Q Did she have any children? A Yes sir.
Q How many? A Two.
Q What were their names? A Austin and a little baby.
Q What became of Betsy? A Died in Fort Smith.
Q When? A In time of the war.
Q What became of this baby of hers? A We come from Fort Smith and the baby died on the road close to Fort Gibson.
Q How do you know it died? A I had the child when it died, we were in a wagon.
Q Had its mother died at Fort Smith before the child died? A Yes sir, I took care of the child, she was my aunt.
Q This Betsy? A Yes sir.
Q Did John Glass have any other slaves named Betsy other than this Betsy? A Not that I know of.
Q Did he have any? A No sir.
Q What became of Austin? A He got killed down at Illinois some place since the war.
Q Did John Glass have any other slaves? A That is all I know of.
Q Did he have your mother? A Yes sir.
Q What was her name? A Her name was Susie.
Q What was her children's names? A Cynthia, Bob, that's me, Tom, Dick and Henry.
Q What became of Tom, is he alive? A Yes sir, he is up the river there near Jenapah.
Q He is also known as Tom Harrison? A Yes sir.
Q What became of Dick? A He got killed out west somewhere.
Q Where is Henry? A He is here in town some place.
Q Where is Cynthia? A She is dead.
Q Did John Glass have any other women? A No sir, not that I know of.
Q Do you remember one named Millie? A That is right, she didn't have any children, she was the youngest one.
Q Did John Glass have any other other than those you have mentioned? A No sir, not that I know of.
Q Did you know them all? A Yes sir.
Q Were you living there with John Glass when the war came up? A Yes sir.
Q About how old were you? A About 13 or 14 years old.
Q Do you know this applicant, John McDonald, have you see him? A I saw him when I went up to Gooseneck.
Q That is when you moved up there? A When I moved up there I saw him up there.
Q Is that the first time? A First time ever I saw him.
Q About how long ago was that? A About 30 years ago.
Q What did he claim at that time? A He was a school teacher at that time.
Q Did he claim to be a slave of John Glass at that time? A No sir, I think not.
Q Did he ever talk to you about his being a slave of John Glass about his being his slave? A Never did.
Q Did he ever try to get you to be a witness for him? A No sir.
Q When did you find out that he claimed to be a slave of the same man that you belonged to? A Not until right lately.

PY MR. LONDON:

Q How old did you say you were? A About 56 or 57.

Q Where did you say you first saw John McDonald? A Up in the Gooseneck.

Q How many children did Easter have? A She had 5 I think.

Q What were their names? A Linda, Sam, Jim, Zeke, Lewis and Joe, she had six.

Q What became of Linda? A She died in time of the war.

Q What became of Sam? A I guess he is dead too.

Q How long has it been since you saw Sam? A I never saw him since peace.

Q What sort of looking boy was Sam? A Kind of a brown skin.

Q Just a common brown looking negro was he? A Yes sir.

Q Would you know Sam if you should see him? A I think he is dead.

Q Who told you Sam is dead? A I don't know now, I haven't seen him.

Q When did you see him last? A I haven't seen him since peace.

Q How old was he when you saw him? A He went back in Flint and I went up where I live now.

Q How old was Sam the last time you saw him? A He was a little younger than I am.

Q He about 52? A I just couldn't tell you, I can't tell my age myself.

Q How many slaves did John Glass have? A He had good many.

Q Did you know them all? A I know them all.

Q How old were you when the war come up? A About 13 or 14.

Q Could you read and write then? A I can't read and I can't write yet.

Q Did John Glass own any farm besides the home farm there? A That is all I know.

Q He might have owned some other farm? A I couldn't tell that.

Q You don't know whether John Glass owned a farm over on this side of the river or not? A No sir, I don't.

Q You don't know whether he owned one near Fort Smith or not?

A No sir.

Q You don't know how many slaves he owned? A I named them.

Q How many horses did he have? A I just couldn't tell.

Q How many times were you ever arrested Bob? A Near time.

Q You never saw John McDonald but once? A Never did see him, only when he was up there.

Q You never saw him since 1901? A I guess not, he lived up there, he had a fellow to take him to Fort Smith and he never did come back.

Q That is the applicant here that you saw 30 years ago? A What did you say.

Q I asked you if this applicant that you saw 30 years ago? A I guess it is.

Q How do you know whether it is or not if you haven't seen him?

A Glass didn't have a John McDonald.

Q Well there might have been another John Glass? A There might have been, I couldn't swear to that.

Q Can you swear that this applicant was not the slave of John Glass? A Not the one I belonged to, I can swear he didn't belong to that man.

Q Yet you saw you don't know how many slaves he had? A I told you I know them and I can name them.

Q Now Bob who has talked to you about this case? A No one what I know.

Q Who has talked to you since you have been summoned here? A I got a letter, it is here somewhere.

- Q Bob did any of the balance of these negroes have two names? A No sir, we all talked the Cherokee, we couldn't understand English.
- Q None of them had two names? A No sir.
- Q You never called Jim Josiah sometimes and Josiah Jim? A That there is his name in Cherokee, Josiah.
- Q What did they call Joe, call him John sometimes? A No sir.
- Q What makes you remember they called Jim Josiah? A That was his Cherokee name.
- Q Josiah a Cherokee name? A Yes sir.
- Q And his English name was Jim, is that it? A That is the way I call it.
- Q What did they call Henry, Hank sometimes? A What Henry.
- Q You just now swore there was one named Henry? A That is all the name I know Henry.
- Q What did they call Fox? A Just call him Fox.
- Q What is his Cherokee name? A Chug-la.
- Q What is Joe's name in Cherokee? A Just Joe.
- Q You are sure Jim's name was Josiah? A That is all.
- Q What was your name in Cherokee? A La-wa-nun.
- Q What did they call John in Cherokee? A Aw-gwa-a-nun.
- Q You say there was only one John Glass in the Cherokee nation?
- A That is all I know.
- Q Might have been another? A Might have been, I couldn't tell.
- Q And there was only one John of all his slaves? A That was all.
- Q Might there been a Sam, Zeke, George or some of them, might they have been called John? A I don't know, I couldn't tell.
- Q You saw John McDonald, the applicant here, 30 years ago? A Yes sir.
- Q Haven't seen him since? A No sir.
- Q You don't know whether this is the fellow, are you willing to swear the applicant here is the man you saw up there? A I haven't saw him, I can't tell just whether it is him or not.
- Q You have never seen this applicant here that you know of since he made this application? A No sir.
- Q Then you don't know whether he is John Glass's slave or not, unless you could see him? A I don't know nothing about it.

BY MR. HASTINGS:

- Q Was there any man named McDonald in Flint District before the war? A No sir.
- Q No free colored man or white man by that name? A No sir, not that I know of.
- Q Wasn't any other John Glass a Cherokee citizen except that one John Glass? A Not that I know of.

BY MR. LONDON:

- Q You wouldn't swear positively that there wasn't another John Glass? A Not that I know of.
- Q How old were you when the war come up? A 13 or 14.
- Q You don't know whether this applicant is the slave of John Glass or not, do you? A I couldn't tell you.

BY MR. HASTINGS:

- Q Was this John McDonald you saw up there a slave of John Glass?
- A No sir.
- Q Did he have any other Johns except this John the brother of Fox?
- A No sir.
- Q He had no other John? A No sir.
- Q Had one named Betsy? A Yes sir.
- Q And she had two children, Austin and a baby? A Yes sir.

Q And Betsy died at Fort Smith? A Yes sir.
Q And the baby died while you were keeping it? A Yes sir.
Q That was all you know about it? A Yes sir.

BY MR. LONDON:

Q Did John Glass ever move you around? A No sir.
Q Stayed right there? A Yes sir.
Q Never got off the place? A No sir, not until the war come up,
Q got off then and in a hurry.

WITNESS EXCUSED.

DAVE MUSKRAT, being first duly sworn, testified as follows,
through TUXIE O. REESE, who was first duly sworn to correctly in-
terpret the proceedings;

BY MR. HASTINGS:

Q What is your name? A Dave Muskrat.
Q How old are you? A 59.
Q What is your post office? A Evansville, Arkansas.
Q Where did you live before the war? A Up there in Flint District.
Q That was in the Cherokee Nation? A Yes sir.
Q Are you a full blood Cherokee? A Yes sir.
Q Did you know John Glass before the war? A Yes sir.
Q How far did you live from John Glass? A About 4 miles.
Q Were you at his house frequently? A Yes sir.
Q Is your wife a daughter of John Glass? A Yes sir.
Q Did John Glass own some slaves? A Yes sir.
Q Did you know them? A Yes sir, I knew them.
Q Can you mention the names of them? A Which ones.
Q Did he have any men? A Yes sir, had a good many, I think, but
Q I don't know how many, there was.
Q Did you know their names? A Joe and Joseph.
Q Did he have some women, colored women? A Suki.
Q What children did Suki have? A One named John, one named Fox and
Q Phil.
Q What became of John? A He died.
Q When, since the war? A Yes sir, he died since the war a short
Q time ago, I couldn't tell just when exactly.
Q Was that the only slave by the name of John that John Glass had?
A Yes sir.
Q Did he have some other women besides Suki? A Hester.
Q Did she have some children? A Yes sir, Sam, Josiah, Zeke, Lewis,
Q and Joe.
Q Did she have a girl? A Yes sir.
Q What is her name? A They called her Linda.
Q Did John Glass have some other colored women? A Betsy.
Q Did she have some children? A Yes sir, she had one, that is all
Q I know.
Q What was its name? A Austin.
Q Do you know where Betsy died? A I just heard she died.
Q Where? A Fort Smith.
Q Did you hear she had a baby when she died? A She died and the
Q baby died.
Q She did have a baby but it died? A Yes sir.
Q Did John Glass have any other colored women slaves? A Susie.
Q Did she have some children? A Robert, Tom, Henry and Dick.
Q Did she have any girls? A One.
Q What was its name? A Cynthia.

- Q Did John Glass ever have a woman named Willie? A Yes sir.
Q Did she have any children when the war come up? A No sir.
Q No have you mentioned all the slaves of John Glass's? A Yes sir.
Q Was there any other John Glass up there that had any slaves except this John Glass to whom you refer? A No sir, that is all.
Q You never saw this applicant John McDonald, did you? A No sir.
Q Was any free man or white man or Cherokee or anybody up there by the name of McDonald before the war? A Not that I know of.
Q You never heard of him? A No sir.
Q Did this John Glass have any other woman but this one Betsy that you mentioned by that name? A Just one.
Q And that is the one you have mentioned? A Yes sir.
Q Did she have any boy by the name of John ~~McDonald~~ born to her before the war? A No sir.

BY MR. LONDON:

I don't care to cross examine this witness.

WITNESS EXCUSED.

LIZZIE PETTIT RECALLED:

BY MR. HASTINGS:

- Q Was your father John Glass, the only John Glass who was a Cherokee that owned slaves in Flint District before the war? A Yes sir, that is all.

ON BEHALF OF THE COMMISSIONER:

The attorney for the applicant files a written motion that the case be continued for 30 days in order that he can produce witnesses in this case.

COMMISSIONER BIXBY:

The motion is denied.

-----oOo-----

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 8th day of September, 1905.

Myron White
Notary Public.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 31, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JOHN McDONALD ET AL., as Cherokee freedmen.

APPEARANCES:

For Applicant, No appearance.
For Cherokee Nation, W. W. Hastings.

On August 8, 1905, this case was remanded by the Secretary of the Interior to the Commissioner for further hearing. On August 17, 1905, the principal applicant, John McDonald, and his attorney, A. S. McRea, Muskogee, Indian Territory, and the attorneys for the Cherokee nation were notified that the case would be taken up for further hearing at nine o'clock A. M., on August 31, 1905. The applicant is neither present in person or by attorney.

FOX GLASS, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Fox Glass.
Q What is your age? A 50 or 55.
Q Were you born before the war? A Yes sir.
Q And you are about 55 years old? A Yes sir.
Q About how old were you when the war came up? A I expect I was about 12 or 13 years old.
Q Are you a freedman citizen of the Cherokee Nation? A Yes sir.
Q Are you on the 1880 roll? A Yes sir.
Q Who was your owner before the war? A John Glass.
Q In what district did he live? A Lived in Flint, I reckon.
Q Near what town, what town was his trading point? A Evansville, Arkansas.
Q Was John Glass living when the war came up? A Yes sir.
Q He was a Cherokee by blood, was he? A Yes sir.
Q Do you know this applicant, John McDonald? A Yes sir, I got acquainted with him about 25 years ago at Webbers Falls in Canadian.
Q What was he doing at that time? A He come in there as a school teacher and taught school there awhile, and he claimed he was part Delaware.
Q Did he make any claim then as being a Cherokee freedman? A He had never said anything to me about it, that he was claiming to be a Cherokee freedman at all.
Q How long did you know him around webbers falls at that time? A I guess two or three years around there, and then he went on off and I never saw him no more, and the next time I seen him he was claiming to be a Cherokee freedman then.
Q How long was it afterwards before he claimed to be a Cherokee freedman? A I couldn't tell just how long, I had done moved away from there you know, Webbers Falls, I lived in Illinois then.
Q When you first saw him about 25 years ago as you said at Webbers Falls did he then claim to be a slave of John Glass? A No sir.
Q You belonged to John Glass in Flint, did you? A Yes sir.
Q Well did this fellow say he was a slave of John Glass? A No sir, he never was.

Q Did you know John Glass's slaves? A Yes sir, I knowed all of them
Q Now commence first with the women and we will just take their
children in consecutive order and see how many of them you can
name? A Called one Easter, one called, -----
Q Did Easter have any children? A Yes sir.
Q Name those you can remember? A Well, Sam, Joe, Josh, Lewis and
there was one named Zeke.
Q Did Easter have one named Linda? A Yes sir.
Q Did she have one named John? A No sir.
Q Did John Glass have any other women? A Yes sir, there was mother.
Q What was her name? A Sukie.
Q How many children did Sukie have? A Three.
Q Name them? A Fox Glass, that's me, and Phil and John.
Q Now what became of John? A He died here along about 1890 I think.
Q And he was your brother? A Yes sir.
Q Is that the only John who was the slave of John Glass? A Yes
sir.
Q Did he have any other slave by the name of John except your bro-
ther? A No sir, he was the only John.
Q And he died in 1890? A Yes sir.
Q He was a man of a family? A Yes sir.
Q Is his wife and children living? A Yes sir.
Q Where did he die? A At Vian, at home.
Q You live at Vian? A Yes sir.
Q How far from your place? A He lived just about a half mile of
me.
Q What other women slaves did John Glass, the Cherokee John Glass,
have? A He had Betsy.
Q What children did Betsy have? A Two.
Q What were their names? A The oldest one named Austin.
Q What was the next ones name? A The baby, I don't suppose it had
a name, it was so little when it died.
Q When was the baby born? A In time of the war.
Q Then Betsy only had the one child, Austin, when the war came up,
what became of Austin? A He got killed in a fight in Illinois
District.
Q About how long ago? A About 10 or 12 years ago.
Q What became of Betsy, Austin's mother? A She died.
Q When? A In time of the war.
Q Did John Glass have any other women slaves by the name of Betsy
except this one? A No sir.
Q Was she or did she have any child by the name of John when the war
came up? A No sir.
Q The only child she had when the war came up was Austin, and that
is the only one you said was killed? A That is the one.
Q Did John Glass have any other women slaves? A Millie.
Q Did she have any children when the war came up? A No sir.
Q Is she living now? A No sir, she is dead.
Q Was there any other women? A No sir, that was all. Bob's mother
there.
Q What was her name? A Susie.
Q Did she have any children? A Yes sir.
Q What were their names? A Bob, Henry, Tom and Dick.
Q Did she have any girls? A Yes sir, one named Cynthia.
Q Is Bob the witness who just stepped in the room? and anno need
he was here? A Yes sir, he was the one.
Q Is Tom called by any other name? A He calls himself after he
left over home Tom Harrison.
Q Does he live at Lenapeh? A Yes sir.
Q Ut is the same Tom that has testified in this case? A Yes sir.
Q What became of Dick? A He got killed.
Q Is Henry living? A I suppose so, I haven't seen him for a good
while.

- Q Did John Glass have any men slaves? A Yes sir.
- Q What were their names? A Two named Joe, and young one named Harry.
- Q Was Harry alive when the war came up? A No sir, died way before the war.
- Q Is either of the two Joes living? A One died in time of the war in Fort Smith, and the other one died just here about 4 or 5 years ago.
- Q Are those all of the slaves both old and young that John Glass had when the war come up? A Yes sir, those are all the men he had, them three.
- Q Did John Glass have any others except those you have named? A Yes sir.
- Q You say you didn't see John McDonald until 25 years ago? A Yes sir.
- Q You swear positively John Glass didn't own him? A Yes sir.
- Q Did he ever try to get you to swear for him? A Yes sir, he come to me at Fort Gibson one time and tried to get me to witness for him, but I told him I didn't know anything about him and couldn't do it.
- Q That was the first time he ever claimed to you that John Glass owned him? A Yes sir, that was the first time.
- Q Did you ever know a free colored person by the name of McDonald that lived around John Glass? A No sir.
- Q Was there such a man as that in that vicinity before the war? A No sir.
- ON BEHALF OF THE COMMISSIONER:
- Q Your mother was named Sukie? A Yes sir.
- Q Did she live with John Glass when the war came up? A Yes sir.
- Q Did Easter live with him? A Yes sir.
- Q Did all these other slaves whose named you have called live with John Glass when the war came up? A Yes sir.
- Q How many of these slaves lived at his house? A I can count how many but then all of those names I called.
- Q Did they all live at his house when the war came up? A Yes sir.
- Q Did he let out any of his slaves to work for other people? A Joe Glass, he stayed at Fort Smith, all the time, one of the Joes did, my uncle one named Joe, he was my uncle, he stayed home, this Joe Glass he kept him in Fort Smith I think all the time, and when the war come up he still remained there and just died there.
- Q How about the women, did he rent any of them out? A No sir.
- Q If he had any slaves who he let out other than these whose named you have called, you don't know anything about it? A Well I know he didn't let out none only him.
- Q About how old were you then? A About 12 or 13, may be more.
- Q You remember distinctly do you the names of all the old slaves? A Yes sir, I remember as good as I knew he never let any out.
- Q And you remember all these young children? A Yes sir, we were children together, and this fellow come in here awhile ago, and we were all raised up in one yard.
- Q Betsy had a child named Austin and a child that died? A Yes sir.
- Q Do you know the name of the child that died? A No sir, I don't know whether they had named it or not, I don't know, Austin, Betsy's children were half Cherokees. A fellow by the name of An-ta-gee-akee, a Cherokee, lived with her, they were half Indians, Austin was and I suppose the baby was too.
- Q Did the baby die after the war come up? A The baby was born in time of the war, I suppose it didn't live very long after it was born.

- Q Where did your mother go when the war came up? A We stayed there all the time until, we didn't go no place until the soldiers come to Fort Gibson, then we goes over there.
- Q To Fort Gibson? A Yes sir.
- Q Did John Glass leave the Cherokee Nation during the war? A Yes sir, he went north and I think they arrested him some place and carried him south.
- Q Did he take any of his slaves with him north? A No sir.
- Q Where did all his slaves stay during the war? A They stayed at home a good while.
- Q Did all of his slaves leave the Cherokee Nation during the war? A Some of the slaves did, the rebel army taken them, but they came back. Tom was one of them, and lets see, who else, and Zeke is another, and a girl, I forgot now what her name was, she never did come back that girl.
- Q Where did Betsy go during the war? A She didn't go anywhere, she stayed at home.
- Q Did she go over to Fort Gibson with the others when the soldiers came down there? A I think she went to Fort Smith when the soldiers all come down in here.
- Q Did John Glass have more than one slave named Betsy? A That is all, just one, that is me knowing, Betsy.
- Q The first time you saw John McDonald was about 20 years ago?
- A Yes sir.
- Q Do you know how long he had been in the Cherokee Nation at that time? A No sir, he just in there to webbers falls where I lived as a school teacher and then he taught school there awhile and after he went away, I didn't know what became of him until I saw him again at Fort Gibson, he wanted me to help him before the Commission while they were taking census, but I told him I couldn't do it.
- Q You don't know whether he returned to the Cherokee Nation in 1866 or not? A No sir.

W I T N E S S E X C U S E D.

POLLY MUSKRAT, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Polly Muskrat.
- Q What is your age? A 58.
- Q What is your post office? A Evansville, Arkansas.
- Q Flint District? A Yes sir.
- Q Who was your father? A John Glass.
- Q Your father was John Glass? A Yes sir.
- Q Was he a Cherokee? A Yes sir, he was a Cherokee.
- Q Are you a full blood Cherokee? A Yes sir.
- Q Were you living with your father when the war come up? A Yes sir.
- Q Living at home? A Yes sir.
- Q Did your father have some slaves? A Yes sir.
- Q You never saw this applicant, John McDonald? A No sir, I haven't.
- Q He isn't here this morning? A I aint seen him, never did.
- Q Now lets commence the names of the slaves and name them that your father John Glass had when the war came up. Being with either the men or women, either one? A Well the men that lived with us was two Joe Glasse.
- Q Did he have any other men? A Harry, he died before the war.
- Q Did he have any other grown men? A No sir, only the young boys.
- Q You will name them under the heads of their mothers? A Master was the name of one of them.

- Q Now Easter, did she have some children? A He had children named Sam, Josiah, Zeke, Lewis, and young Joe Glass, the son of old Joe Glass.
- Q Did she have a girl? A She had a girl named Linda.
- Q Is that all the children waster had? A Yes sir.
- Q Were they born before the war? A Yes sir.
- Q Well did John Glass have some other colored women? A Sukie had three children.
- Q What were their names? A One was Fox Glass and Phil and John Glass.
- Q What became of that John? A He is dead, that is Fox's brother, young John, he is dead.
- Q Is the Fox you mentioned the witness who was here on the stand awhile ago? A Yes sir.
- Q And this John you mentioned is his brother? A Yes sir, his younger brother.
- Q And he is dead? A Yes sir.
- Q How did he die, get killed? A No sir, just died in disease, he was living at Vian.
- Q Did John Glass have any other colored women? A Yes sir, he had one named Betsy.
- Q Did she have some children when the war came up? A She had two, the oldest boy born before the war was about 3 years old.
- Q What was its name? A Oscar or Austin was one, and the baby died just a little infant.
- Q Was that baby born when the war come up or during the war? A During the war.
- Q What became of Oscar or Austin? A He got killed at Illinois.
- Q About how long ago? A I just can't tell how long ago it has been.
- Q Since the war? A After the war.
- Q Killed in a fight? A Yes sir, just there among the boys.
- Q Did Betsy have any other children except Austin that was killed, and the baby born during the war? A That is the only children she had.
- Q What did you say became of this baby? A It died an infant.
- Q What became of Betsy? A She died at Fort Smith during the war.
- Q You mean before the war? A Yes sir, during the war.
- Q Now did John Glass have any other slaves by the name of Betsy, except this one? A No sir.
- Q He had a colored woman named Gusie? A Yes sir.
- Q Did she have some children? A Yes sir.
- Q Name them? A The girl was named Cynthia, and the boys, Robert, Dick, Henry, Tom.
- Q Is Tom living? A I think he is living somewhere, at Coffeyville, I don't know.
- Q Does he sometime go by the name of Tom Harrison? A No sir, I never heard him called Tom Harrison.
- Q Is he a brother of Bob? A Yes sir.
- Q Did you see Bob come in here awhile ago? A No sir, I didn't.
- Q Well did John Glass have any other women? A Millie, that is the young girl.
- Q Did she have any children? A No sir.
- Q Now have you mentioned all of the slaves of John Glass including the men, women and children when the war came up? A Yes sir.
- Q Now you have mentioned one John and that was the brother of Fox you say, died at Vian since the war? A Yes sir.
- Q Was that the only John who was the slave of John Glass? A Yes sir.
- Q Did you ever hear of a free colored person about John Glass's before the war by the name of McDonald? A No sir, I never did.
- Q Who had this Betsy for a wife before the war and who is the reputed father of Austin and that baby? A It was a Cherokee man, named Au-gee-che.

Q Did anybody named McDonald have her for a wife? A No sir.
Q You never heard of a free colored man, or white man named McDonald?
A No sir.
Q You said you never saw this fellow applying here, John McDonald?
A No sir, never did.

ON BEHALF OF THE COMMISSIONER:

Q Betsy Glass died during the war? A Yes sir.
Q The only children you ever knew of her having were Austin and this infant that died? A Yes sir.
Q If she had any children older than Austin you don't know it?
A She didn't have any, I know she didn't.
Q Did all these slaves live on your father's place? A Yes sir.
Q Did he have any slaves he let out to work anywhere else? A No sir, only Joe Glass.
Q Before the war did he ever have any other slaves by the name of Betsy besides the one who is the mother of Austin? A No sir, she is the only one.
Q Did he sell any slaves before the war? A I think he did, but he just let me know of one.
Q What was that one's name? A Hannah.
Q Did he sell any others? A No sir.
Q He only had one slave he sold? A Yes, that is the only one.
Q Didn't any of these slaves have a child named John besides Sukie? A No sir, that is the only one, Sukie had her youngest, the baby.
Q Do you think there could have been a free colored man there in that country by the name of McDonald and you not know it? A No sir, I never did see him, never heard of him.
Q Did just a few people live around there? A Yes sir, where we lived they were just all full bloods.
Q Were there any free colored men up in there? A No sir, only Ike, but he is dead.
Q Were there any free colored persons around your father's place at the time the war came up? A No sir.
Q Had there been any around there before that? A No sir.

W I T N E S S E X C U S E D.

The taking of the testimony in this case was here continued until one o'clock P. M.

At one o'clock P. M. pursuant to continuance heretofore had in this case, the taking of testimony was resumed and concluded.

APPEARANCES:

For Applicants, Neal & London, by John London.
For Cherokee nation, W. W. Hastings.

LIZZIE PETTIT, being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name? A Lizzie Pettit.
Q How old are you? A About 63 years old.
Q What is your post office? A Braggs.
Q Who was your father? A John Glass.
Q Where did he live before the war? A In Flint District.
Q Was he a Cherokee? A Yes sir.
Q Did John Glass have any slaves before the war? A Yes sir.

- Q Do you remember the names of any of them? A Yes sir.
- Q Commence with the men, what are their names? A Two Joes, and Harry.
- Q What was the other ones name, did he have any more but those when the war come up? A No sir, had some young boys.
- Q Did he have any women? A Yes sir.
- Q What were their names? A One named Baster.
- Q Did she have some children? A Yes sir.
- Q What were their names? A One named Sam, Lewis, Josiah, and young Joe, one named Zeke.
- Q Did she have any girls? A yes sir, one girl, Linday they called her.
- Q Any more women? A Suki.
- Q Did she have any children? A She had three boys.
- Q What were their names? A One named Fox.
- Q Is that the Fox here, the witness? A Yes sir, one named Phil and John, the youngest one.
- Q What became of John? A He died.
- Q When? A About 5 or 6 years ago.
- Q He was a brother of Fox? A Yes sir.
- Q Did John glass have one more colored women? A Yes sir.
- Q What was the next ones name? A Susie.
- Q Did she have some children? A Yes sir.
- Q What are their names? A One named Rob, this witness here, and Tom, Dick, and Henry, and a girl named Cynthia.
- Q Did he have any more women? A Betsy.
- Q Did she have some children? A Two boys.
- Q What were their names? A One Austin, the oldest one.
- Q What was the next ones name? A I couldn't tell you, some kind of curious name in Cherokee.
- Q What became of the second one? A He died on the way to Gibson.
- Q When did he die? A In time of the war.
- Q Which died first the baby or the mother? A The mother died first.
- Q And she died at Fort Smith? A First, yes sir, then they brought the baby and it died.
- Q Did Betsy have any other children born other than this boy Austin and this baby? A No sir.
- Q Did John Glass have any colored woman named Betsy other than this Betsy? A No sir.
- Q What became of Austin? A He got killed.
- Q After the war? A Yes sir.
- Q Who was the reputed father of Austin and this child? A Cherokee man called Au-gee-chee.
- Q Now you have said she had one more colored woman? A That is Millie.
- Q Did she have any children when the war commenced? A No sir.
- Q Now have you mentioned all of the slaves of John Glass? A Yes sir.
- Q Including the men, women and children? A Yes sir.
- Q You have mentioned one John which is the brother of Fox? A Only one John.
- Q Was there a free colored man or white man or Cherokee that stayed about John Glass's place by the name of McDonald? A No sir, not that I know of.
- Q Were you single and living with your father when the war came up?
- A Yes sir.
- Q Were you living there at home? A Yes sir.
- Q Did you ever see this applicant John McDonald? A No sir, I don't know him, I never did hear of him until the first time they wrote to me.
- Q And your father owned no man nor child by the name of John other than this brother of Fox's? A No sir, that is the only one.

Q And that one died down at Vian? A Yes sir.
Q And he lived to have a family down there? A Yes sir.
Q Wife and children? A Yes sir.
Q Was your father the only John Glass who owned slaves in Flint before the war? A Yes sir.
Q And he had but one Betsy? A Just one.

BY MR. LONDON:

Q How old you say you are? A I expect I am about 63.
Q How old were you at the commencement of the war? A I think I was about 20 or 21.
Q How many slaves did your father have? A I couldn't remember, all what I named.
Q You named all he had? A Yes sir.
Q Did he keep them all at one place? A Yes sir, but Joe Glass, he was hired out at Fort Smith, he died there.
Q Was that the only slave he ever hired? A Yes sir.
Q Now you say whose children were Lewis, Joe, Josiah, and Zeke?
A Easter's children.
Q Easter was Joe Glass's wife? A Yes sir.
Q Now Joe Glass and Easter had one boy named Joe, one named Josiah, Zeke and Lewis? A Yes sir.
Q What other boy did she have? A Sam, the oldest one.
Q That was Easter, the oldest one named Sam? A Yes sir.
Q How many boys did Easter have? A 5 I believe.
Q Did Sam, Lewis, Joe, Josiah, and Zeke? A Yes sir, and one girl.
Q How many boys did Sukie have? A 3 boys.
Q Was her name Sukie or Sina? A Sukie.
Q How old was Sam at the commencement of the war? A I couldn't tell you, I don't remember, a big boy.
Q Well study and see if you can't remember how old he was? A I guess about 17 or 18.
Q How old was Lewis? A He was about 8 or 9.
Q How old was Joe? A Joe was about two years old.
Q How old was Josiah? A He was about 13 I reckon.
Q How old was Zeke? A He was about 11.
Q Now you are sure these are the children of Easter, are you?
A Yes sir.
Q You are sure that these children, Lewis, Joe, Josiah, Zeke, and Sam are not the children of Sukie? A No sir, they are Easter's.
Q What are Sukie's children named? A Named Fox, Phil and John.
Q How old is Fox? A I couldn't tell you.
Q How old is Phil? A About 30 now.
Q How old was he when the war come up? A I guess about 17 to 20.
Q Well, how old is he now? A I guess he must be,-----
Q What did Fox do, what was his job around the place? A Farm.
Q What did Phil do? A Farm too.
Q What did John do? A He didn't do much he was a little boy.
Q You say John died? A Yes sir.
Q Who told you he died? A His brother here.
Q What ever become of Joe? A This young Joe?
Q No Joe, Easter's boy? A He died at Fort Smith.
Q When did he die? A During the war.
Q Did you see him after he was dead? A Yes sir.
Q What became of Josiah? A He died too.
Q Where did he die? A In Flint.
Q How old was he when he died? A This young Josiah.
Q Yes, Easter's boy? A I guess he was about 14.
Q Soon after the war? A Yes sir.

Q John died how long ago? A 5 or 6 years ago.
Q What became of Bob? A He is here.
Q And that other one is here? A Fox.
Q Is Dick here? A Dick is dead, he got killed.
Q Where is Henry? A I don't know where Henry is living, I haven't seen him.
Q You are sure that he kept all his slaves at home? A Yes sir.
Q None of them hired out? A No sir, none but that Joe.
Q You say you were 20? A Yes sir.
Q What did you do before the war? A Just stayed there at home and worked.
Q You are sure that your father never had any slaves hired out to anybody except old Joe? A No sir.
Q How come him to have one named Joe and one named Josiah? A That is what they called him.
Q You never saw John McDonald, this applicant? A No sir, I don't know him.
Q Would you know one of these boys if you should see them now you reckon? A Yes sir, I know Fox.
Q Now is there any one of these boys alive that you don't know now where he is at except Henry? A Yes sir, except Henry and Tom.
Q Now you are positive that Easter didn't have a boy named John?
A Yes sir.
Q And you are positive Sukie's boy named John is dead? A Yes sir.
Q You didn't see him when he died? A No sir.
Q Who told you? A His brother Fox.

W I T N E S S E X C U S E D.

BOB GLASS, being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name? A Bob Glass.
Q How old are you? A About 56 or 57, I don't know exactly how old I am.
Q Were you the slave of a Cherokee citizen before the war? A Yes sir.
Q Who was your owner? A John Glass.
Q Where did he live? A In Flint District.
Q Did John Glass have some other slaves besides you? A Yes sir, a good many.
Q Now name them, begin with the men if he had any? A Joe Glass, and my father called, Joseph Glass, and Harry.
Q Was Harry alive when the war come up? A No sir.
Q Then he had two? A Yes sir.
Q Did he have any women? A Easter.
Q Now give us her children? A Linda, Sam, Jim, Lewis, Joe.
Q Did Easter have any other children? A Them were all I knew of.
Q Did she have one named Zeke? A Yes, Zeke, I forgot him.
Q Do you know whether she had one named Josiah? A That is the one I called Jim.
Q Now what was the next one? A Sukie.
Q Did she have any children? A Yes sir.
Q What were their names? A Fox, Phil and John.
Q Is Fox one of these witnesses out there? A Yes sir.
Q Is John a brother of Fox? A Yes sir.
Q What became of John? A He died.

Q Where did he die? A Right back here near Vian.
Q How long ago? A I couldn't tell you exactly.
Q The last few years? A A few years back.
Q Was he a man of a family when he died? A Yes sir, they say he was.
Q What was the next woman's name that John Glass had? A Betsy.
Q Did she have any children? A Yes sir.
Q How many? A Two.
Q What were their names? A Austin and a little baby.
Q What became of Betsy? A Died in Fort Smith.
Q When? A In time of the war.
Q What became of this baby of hers? A We come from Fort Smith and the baby died on the road close to Fort Gibson.
Q How do you know it died? A I had the child when it died, we were in a wagon.
Q Had its mother died at Fort Smith before the child died? A Yes sir, I took care of the child, she was my aunt.
Q This Betsy? A Yes sir.
Q Did John Glass have any other slaves named Betsy other than this Betsy? A Not that I know of.
Q Did he have any? A No sir.
Q What became of Austin? A He got killed down at Illinois some place since the war.
Q Did John Glass have any other slaves? A That is all I know of.
Q Did he have your mother? A Yes sir.
Q What was her name? A Her name was Susie.
Q What was her children's names? A Cynthia, Bob, that's me, Tom, Dick and Henry.
Q What became of Tom, is he alive? A Yes sir, he is up the river there near Lenapah.
Q He is also known as Tom Harrison? A Yes sir.
Q What became of Dick? A He got killed out west somewhere.
Q Where is Henry? A He is here in town some place.
Q Where is Cynthia? A She is dead.
Q Did John Glass have any other women? A No sir, not that I know of.
Q Do you remember one named Millie? A That is right, she didn't have any children, she was the youngest one.
Q Did John Glass have any other other than those you have mentioned? A No sir, not that I know of.
Q Did you know them all? A Yes sir.
Q Were you living there with John Glass when the war came up? A Yes sir.
Q About how old were you? A About 13 or 14 years old.
Q Do you know this applicant, John McDonald, have you see him? A I saw him when I went up to Gooseneck.
Q That is when you moved up there? A When I moved up there I saw him up there.
Q Is that the first time? A First time ever I saw him.
Q About how long ago was that? A About 30 years ago.
Q What did he claim at that time? A He was a school teacher at that time.
Q Did he claim to be a slave of John Glass at that time? A No sir, I think not.
Q Did he ever talk to you about his being a slave of John Glass about his being his slave? A Never did.
Q Did he ever try to get you to be a witness for him? A No sir.
Q When did you find out that he claimed to be a slave of the same man that you belonged to? A Not until right lately.

PY MR. LONDON:

- Q How old did you say you were? A About 56 or 57.
- Q Where did you say you first saw John McDonald? A Up in the Gooseneck.
- Q How many children did Easter have? A She had 5 I think.
- Q What were their names? A Linda, Sam, Jim, Zeke, Lewis and Joe, she had six.
- Q What became of Linda? A She died in time of the war.
- Q What became of Sam? A I guess he is dead too.
- Q How long has it been since you saw Sam? A I never saw him since peace.
- Q What sort of looking boy was Sam? A Kind of a brown skin.
- Q Just a common brown looking negro was he? A Yes sir.
- Q Would you know Sam if you should see him? A I think he is dead.
- Q Who told you Sam is dead? A I don't know now, I haven't seen him.
- Q When did you see him last? A I haven't seen him since peace.
- Q How old was he when you saw him? A He went back in Flint and I went up where I live now.
- Q How old was Sam the last time you saw him? A He was a little younger than I am.
- Q He about 52? A I just couldn't tell you, I can't tell my age myself.
- Q How many slaves did John Glass have? A He had good many.
- Q Did you know them all? A I know them all.
- Q How old were you when the war come up? A About 13 or 14.
- Q Could you read and write then? A I can't read and I can't write yet.
- Q Did John Glass own any farm besides the home farm there? A That is all I know.
- Q He might have owned some other farm? A I couldn't tell that.
- Q You don't know whether John Glass owned a farm over on this side of the river or not? A No sir, I don't.
- Q You don't know whether he owned one near Fort Smith or not? A No sir.
- Q You don't know how many slaves he owned? A I named them.
- Q How many horses did he have? A I just couldn't tell.
- Q How many times were you ever arrested Bob? A Near time.
- Q You never saw John McDonald but once? A Never did see him, only when he was up there.
- Q You never saw him since 1901? A I guess not, he lived up there, he had a fellow to take him to Fort Smith and he never did come back.
- Q That is the applicant here that you saw 30 years ago? A What did you say.
- Q I asked you if this applicant that you saw 30 years ago? A I guess it is.
- Q How do you know whether it is or not if you haven't seen him? A Glass didn't have a John McDonald.
- Q Well there might have been another John Glass? A There might have been, I couldn't swear to that.
- Q Can you swear that this applicant was not the slave of John Glass? A Not the one I belonged to, I can swear he didn't belong to that man.
- Q Yet you saw you don't know how many slaves he had? A I told you I know them and I can name them.
- Q How Bob who has talked to you about this case? A No one what I know.
- Q Who has talked to you since you have been summoned here? A I got a letter, it is here somewhere.

Q Rob did any of the balance of these negroes have two names? A No sir, we all talked the Cherokee, we couldn't understand English.
Q None of them had two names? A No sir.
Q You never called Jim Josiah sometimes and Josiah Jim? A That there is his name in Cherokee, Josiah.
Q What did they call Joe, call him John sometimes? A No sir.
Q What makes you remember they called Jim Josiah? A That was his Cherokee name.
Q Josiah a Cherokee name? A Yes sir.
Q And his English name was Jim, is that it? A That is the way I call it.
Q What did they call Henry, Hank sometimes? A What Henry.
Q You just now swore there was one named Henry? A That is all the name I know Henry.
Q What did they call Fox? A Just call him Fox.
Q What is his Cherokee name? A Chug-la.
Q What is Joe's name in Cherokee? A Just Joe.
Q You are sure Jim's name was Josiah? A That is all.
Q What was your name in Cherokee? A La-wa-nun.
Q What did they call John in Cherokee? A Aw-gwa-a-nun.
Q You say there was only one John Glass in the Cherokee nation?
A That is all I know.
Q Might have been another? A Might have been, I couldn't tell.
Q And there was only one John of all his slaves? A That was all.
Q Might there been a Sam, Zeke, George or some of them, might they have been called John? A I don't know, I couldn't tell.
Q You saw John McDonald, the applicant here, 30 years ago? A Yes sir.
Q Haven't seen him since? A No sir.
Q You don't know whether this is the fellow, are you willing to swear the applicant here is the man you saw up there? A I haven't saw him, I can't tell just whether it is him or not.
Q You have never seen this applicant here that you know of since he made this application? A No sir.
Q Then you don't know whether he is John Glass's slave or not, unless you could see him? A I don't know nothing about it.

BY MR. HASTINGS:

Q Was there any man named McDonald in Flint District before the war? A No sir.
Q No free colored man or white man by that name? A No sir, not that I know of.
Q Wasn't any other John Glass a Cherokee citizen except that one John Glass? A Not that I know of.

BY MR. LONDON:

Q You wouldn't swear positively that there wasn't another John Glass? A Not that I know of.
Q How old were you when the war come up? A 13 or 14.
Q You don't know whether this applicant is the slave of John Glass or not, do you? A I couldn't tell you.

BY MR. HASTINGS:

Q Was this John McDonald you saw up there a slave of John Glass?
A No sir.
Q Did he have any other Johns except this John the brother of Fox?
A No sir.
Q He had no other John? A No sir.
Q Had one named Betay? A Yes sir.
Q And she had two children, Austin and a baby? A Yes sir.

Q And Betsy died at Fort Smith? A Yes sir.
Q And the baby died while you were keeping it? A Yes sir.
Q That was all you know about it? A Yes sir.

BY MR. LONDON:

Q Did John Glass ever move you around? A No sir.
Q Stayed right there? A Yes sir.
Q Never got off the place? A No sir, not until the war come up,
got off then and in a hurry.

W I T N E S S E X C U S E D.

DAVE MUSKRAT, being first duly sworn, testified as follows,
through TUXIE O. REESE, who was first duly sworn to correctly in-
terpret the proceedings;

BY MR. HASTINGS:

Q What is your name? A Dave Muskrat.
Q How old are you? A 59.
Q What is your post office? A Evansville, Arkansas.
Q Where did you live before the war? A Up there in Flint District.
Q That was in the Cherokee Nation? A Yes sir.
Q Are you a full blood Cherokee? A Yes sir.
Q Did you know John Glass before the war? A Yes sir.
Q How far did you live from John Glass? A About 4 miles.
Q Were you at his house frequently? A Yes sir.
Q Is your wife a daughter of John Glass? A Yes sir.
Q Did John Glass own some slaves? A Yes sir.
Q Did you know them? A Yes sir, I knew them.
Q Can you mention the names of them? A Which ones.
Q Did he have any men? A Yes sir, had a good many, I think, but
I don't know how many, there was.
Q Did you know their names? A Joe and Joseph.
Q Did he have some women, colored women? A Sukie.
Q What children did Sukie have? A One named John, one named Fox and
Phil.
Q What became of John? A He died.
Q When, since the war? A Yes sir, he died since the war a short
time ago, I couldn't tell just when exactly.
Q Was that the only slave by the name of John that John Glass had?
A Yes sir.
Q Did he have some other women besides Sukie? A Master.
Q Did she have some children? A Yes sir? Sam, Josiah, Zeke, Lewis,
and Joe.
Q Did she have a girl? A Yes sir.
Q What is her name? A They called her Linda.
Q Did John Glass have some other colored women? A Betsy.
Q Did she have some children? A Yes sir, she had one, that is all
I know.
Q What was its name? A Austin.
Q Do you know where Betsy died? A I just heard she died.
Q Where? A Fort Smith.
Q Did you hear she had a baby when she died? A She died and the
baby died.
Q She did have a baby but it died? A Yes sir.
Q Did John Glass have any other colored women slaves? A Susie.
Q Did she have some children? A Robert, Tom, Henry and Dick.
Q Did she have any girls? A One.
Q What was its name? A Cynthia.

- Q Did John Glass ever have a woman named Willie? A Yes sir.
Q Did she have any children when the war come up? A No sir.
Q How have you mentioned all the slaves of John Glass's? A Yes
sir.
Q Was there any other John Glass up there that had any slaves ex-
cept this John Glass to whom you refer? A No sir, that is all.
Q You never saw this applicant John McDonald, did you? A No sir.
Q Was any free man or white man or Cherokee or anybody up there
by the name of McDonald before the war? A Not that I know of.
Q You never heard of him? A No sir.
Q Did this John Glass have any other woman but this one Betsy that
you mentioned by that name? A Just one.
Q And that is the one you have mentioned? A Yes sir.
Q Did she have any boy by the name of John ~~McDonald~~ born
to her before the war? A No sir.

BY MR. LONDON:

I don't care to cross examine this witness.

WITNESS EXCUSED.

LIZZIE PETTIT RECALLED:

BY MR. HASTINGS:

- Q Was your father John Glass, the only John Glass who was a Cherokee
that owned slaves in Flint District before the war? A Yes
sir, that is all.

ON BEHALF OF THE COMMISSIONER:

The attorney for the applicant files a written motion that
the case be continued for 30 days in order that he can produce
witnesses in this case.

COMMISSIONER BIXBY:

The motion is denied.

-----oOo-----

George H. Lesley, being first duly sworn, states that as
stenographer to the Commissioner to the Five Civilized Tribes, he re-
ported the proceedings had in the above entitled cause, and that the
above and foregoing is a true and correct transcript of his sten-
ographic notes thereof.

George H. Lesley

Subscribed and sworn to before me this 8th day of September, 1905.

Myron White
Notary Public.

0.7.11

Cherokee Freedman D 993

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
John McDonald Sr., et al., as Cherokee Freedmen.

-:-

D E C I S I O N .

THE RECORD IN THIS CASE SHOWS: That, on July 1, 1901, John McDonald Sr., appeared before the Commission to the Five Civilized Tribes, at Nowata, Indian Territory, and made application for the enrollment of himself and minor children, John Jr., Irving and Jane McDonald as Cherokee Freedmen; that further proceedings in the matter of said application were had on September 27, 1901, at Fort Gibson, Indian Territory; that on July 10, 1903, the said Commission rendered its decision herein, denying said applicants the right to enrollment as Cherokee Freedmen, and that the proceedings in this case were duly forwarded to the Department; that on April 5, 1904 (I.T.D. 1252-04), the Department notified said Commission that the attorney for the Cherokee Nation would be allowed thirty days within which to file any argument in this case which he might desire, and the applicant ten days within which to answer same, and that on June 10, and 24, 1904, said argument and reply were filed with the Commission and forwarded to the Department; that thereafter, on August 8, 1905, (I.T.D. 1252-04), on motion of the Cherokee Nation, the proceedings in this case were remanded by the Department for further testimony; and that on August 31, 1905, supplemental testimony in the matter of said application was taken at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant, John McDonald Sr., claims the right to enrollment as a Cherokee freedman by virtue of his compliance with the provisions of Article IX of the Treaty of 1866, and that the minor applicants herein claim the same right as his descendants.

The following points are fully established by the evidence, no attempt having been made to disprove them:

That the principal applicant, John McDonald Sr., was born prior to the commencement of the rebellion, is identified on the Wallace roll, and is the father of the minor applicants herein; and that said minor applicants' mother was one Siney McDonald, now deceased, and who was a non-citizen of the Cherokee Nation.

In support of their application for enrollment applicants herein introduced George W. Vann and Horace G. Norman as witnesses, neither of whom were able to give any satisfactory testimony relative to material points at issue in this case, and both of whom have been denied enrollment, by the Commission to the Five Civilized Tribes, on the ground that they were neither the slaves of Cherokee citizens, nor free colored persons residing in the Cherokee country, at the commencement of the rebellion.

The testimony of the witness George W. Vann, is, by this office, considered worthless, and that this opinion is shared by the Department, see Departmental letter of January 19, 1905, (I. T. D. 240-05). The matters at issue in this case of which the witness Horace G. Norman testifies, happened, according to his own testimony, when he was but seven years old.

The testimony of the principal applicant, John McDonald Sr., indicates that he was never in the Cherokee Nation prior to the time the Delaware Indians remove from Kansas to the Cherokee Nation, which, under the treaty of April 8, 1867, must necessarily have been subsequent to the time specified in the Whitmire decree for the return of freedmen to said Nation.

In behalf of the Cherokee Nation it is shown by testimony practically conclusive, that John McDonald Sr., was never at any time the slave of John Glass, whom he claims was his master at the commencement of the rebellion; and it is further shown, by testimony equally conclusive, that the said John McDonald Sr., was not a free colored person residing in Flint District (the District in which he claims to have resided prior to 1863), Cherokee Nation, at the commencement of the rebellion.

Excepting that John McDonald Sr., is identified on the Wallace roll, neither the applicants herein nor any ancestor through whom by any possibility they might obtain rights to Cherokee freedman citizenship, can be identified on any roll of the Cherokee Nation in the possession of this office.

FINDINGS OF FACT AND CONCLUSION: It is considered that after ample opportunity having been afforded, the applicants herein

have failed to establish by satisfactory evidence that they possess any rights to enrollment as Cherokee freedmen, consequently, their application for enrollment comes within the ruling of the Department in the cases of Eliza Bryant et al. (I.T.D. 544-04), William Rector (I.T.D. 1468-04), Minnie Duncan et al. (I. T. D. 1470-04), Samantha Chambers (I.T.D. 2296-04) Ed Williams (I.T.D. 4230-04), and Moses Ross (I.T.D. 6056-04).

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 25, 1898 (30 Stat., 495), John McDonald Sr., John McDonald Jr., Irving McDonald and Jane McDonald, are not entitled to enrollment as Cherokee Freedmen, and their application for enrollment as such is accordingly denied.



COMMISSIONER

Dated at Muskogee, Indian Territory,

this 001 1905

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John McDonald for the enrollment of himself and the minor children, John Jr., Irving and Jane McDonald, as Cherokee Freedmen.

DECISION.

The record in this case shows that on July 1, 1901, John McDonald appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of himself and the minor children, John Jr., Irving and Jane McDonald, as Cherokee Freedmen. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, on September 27, 1901.

It appears from the evidence in this case that the said John McDonald was not a slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the rebellion. His name is not found on the 1880 authenticated Cherokee roll.

The minor children herein applied for claim the right to enrollment through the said John McDonald.

It is, therefore, the opinion of this Commission that the application for the enrollment of John McDonald, John McDonald, Jr., Irving McDonald and Jane McDonald, as Cherokee Freedmen, should be denied under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

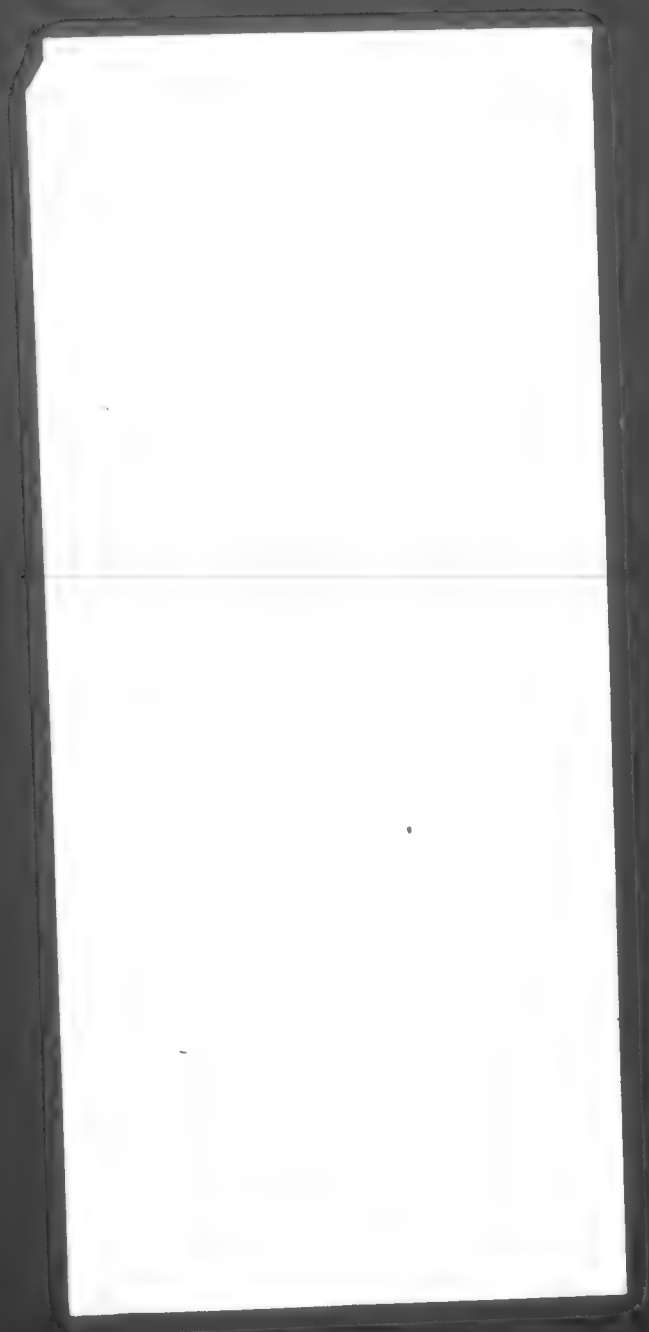

Chairman.


Commissioner.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 10 1903



COMMISSIONERS
HENRY L. DAWES,
JAMES BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

88 M. D. 87 Sept 21 1911

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
John M. Donald for enrollment as
Freedmen of the Cherokee Nation.

No. 710993

A. T. Hauld.
Atty for applicant

Cherokee Freedmen
-193

Muskogee, Indian Territory, July 21, 1903.

A. S. McRae,
Representing J. F. Faulds,
Attorney for John McDonald et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the application of John McDonald for the enrollment of himself and three minor children, John Jr., Irving and Jane McDonald, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-77
Register.

Commissioner in Charge.

Cherokee Freedmen
D-993

Muskogee, Indian Territory, July 14, 1903.

John McDonald,

Benge, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting your application for the enrollment of yourself and three minor children, John Jr., Irving and Jane McDonald, as Cherokee freedmen. There has heretofore been furnished your attorney, J. F. Faulds, Muskogee, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. E. Miller

Commissioner in Charge.

Enc. D-76
Register.

Cherokee Freedmen
D-78

Tahlequah, Indian Territory, July 24, 1903.

W. F. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the application of John McDonald for the enrollment of himself and three minor children, John Jr., Irving and Jane McDonald, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-78

Cherokee Freedmen
D-993

Cherokee, Indian Territory, July 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of John McDonald for the enrollment of himself and three minor children, John Jr., Irving and Jane McDonald, as Cherokee freedmen, including the Commission's decision dated July 10, 1903, rejecting said application.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. 479

Cherokee Freedmen
D 993

Muskogee, Indian Territory, April 18, 1904.

A. S. McRea,
Representing J. F. Pauls,
Attorney for John McDonald, et al.,
Muskogee, Indian Territory.

Dear Sir:

The Commission is in receipt of Departmental letter of April 5, inclosing a copy of Commissioner of Indian Affairs' letter of February 11, recommending the reversal of the Commission's decision of July 10, 1903, rejecting the application for the enrollment of John McDonald, et al., as Cherokee freedmen, case No. F. D. 993.

In accordance with the Department's instructions the attorney for the Cherokee Nation has this day been advised that he will be allowed thirty days from date hereof within which to file with the Commission for transmission to the Secretary of the Interior any argument he may desire to submit in the case, a copy of which argument he will be required to furnish the applicant. You are advised that the applicant will be allowed ten days additional within which to reply to the Nation's argument.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 993

Muskogee, Indian Territory, April 18, 1904.

John McDonald,
Benge, Indian Territory.

Dear Sir:

The Commission is in receipt of Departmental letter of April 5, inclosing a copy of Commissioner of Indian Affairs' letter of February 11, recommending the reversal of the Commission's decision of July 10, 1903, rejecting your application for the enrollment of yourself, et al., as Cherokee freedmen.

In accordance with the Department's instructions the attorney for the Cherokee Nation has this day been advised that he will be allowed thirty days from date hereof within which to file with the Commission for transmission to the Secretary of the Interior any argument he may desire to submit in the case, a copy of which argument he will be required to furnish you. You are advised that you will be allowed ten days additional in which to file with the Commission for transmission to the Secretary a reply to said argument.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 993.

Muskogee, Indian Territory, April 18, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of Departmental letter of April 5, inclosing a copy of Commissioner of Indian Affairs' letter of February 11, recommending the reversal of the Commission's decision of July 10, 1903, rejecting the application for the enrollment of John McDonald, et al., as Cherokee freedmen, case No. F. D. 993.

In accordance with the Department's instructions you are advised that you will be allowed thirty days from this date in which to file with the Commission for transmission to the Secretary of the Interior any argument you may desire to submit in this case, a copy of which argument you will be required to furnish the applicant.

Respectfully,

Commissioner in Charge.

Cher. T. D-993.

Muskogee, Indian Territory, June 10, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of April 5, 1904, (I.T.D. 1252-1904) there is herewith inclosed argument of the attorney for the Cherokee Nation, in the matter of the application of John McDonald et al., for enrollment as Cherokee Freedmen, the Commission's decision in which case was forwarded to the Department on July 10, 1903. This argument was received by the Commission on May 17, and bears evidence of service upon the principal applicant.

No reply to said argument has as yet been submitted by the applicants.

Respectfully,

Enc. 3-5.

Chairman.

Through the
Commissioner of Indian Affairs.

Cherokee Freedmen
D 993

Muskogee, Indian Territory, June 24, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of April 5, 1904 (I.T.D. 1262-1904), there is herewith inclosed argument on behalf of the applicants, in reply to the argument of the Cherokee Nation in the case of John McDonald, Cherokee Freedmen D 993.

This argument was forwarded to the Department by the applicant, and by the Department referred to this Commission for appropriate action on June 11, 1904.

Respectfully,

Encl. V-62

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

(C O P Y)

Refer in reply
to the following

Land.
42146-1904

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

July 8, 1904

(Copy)

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of April 5, 1904, (I.T.D. 1252) there is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated June 24, 1904, returning argument on behalf of applicants in the matter of the enrollment of John McDonald, et al., as Cherokee freedmen. This argument was forwarded to the Department by the applicant and by the Department referred to the Commission for appropriate action.

The case is now pending before the Department, and the Commission was advised of the recommendation of this office that their decision be reversed, and they were instructed to notify the applicants and the attorneys of the Cherokee Nation of said recommendation and to allow the Attorney for the Cherokee Nation thirty days within which to file any argument he might desire, and the applicants ten days in which to reply to the same.

Very respectfully

A. G. Tenner,

Acting Commissioner

COPY.

Cherokee Freedmen

D-993.

Muskogee, Indian Territory, January 20, 1905.

John McDonald,

Roland, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of January 14, asking to be advised as to the status of the application for your enrollment as a Cherokee freedman.

In reply you are advised that the Commission's decision dated July 10, 1903, rejecting the application for your enrollment as a Cherokee freedman, was forwarded to the Secretary of the Interior on July 24, 1903, for his review and decision. You are further advised that this Commission has not been advised of any departmental action in this case.

Respectfully,

(SIGNED)

Tame Dixby
Chairman.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

WCP
ILP JP

I.T.D.1252-1204.

August 8, 1904.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On February 11, 1904, the Indian Office transmitted a report from the Commission to the Five Civilized Tribes dated July 24, 1903, transmitting the record in the matter of the application of John McDonald for the enrollment of himself and his three minor children, John, Jr., Irving, and Jane McDonald, as Cherokee freedmen.

July 10, 1903, the Commission held that the applicants were not entitled to enrollment, it appearing that the said John McDonald was not a slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

The Indian Office in its letter of February 11, 1904, stated that "the preponderance of the evidence seems to conclusively show that John McDonald returned to the Cherokee Nation in 1866," and recommended that the decision of the Commission be reversed, and that the Commission be directed to enroll the applicant as a Cherokee freedman.

On April 5, 1904, you were directed to notify the attorney

for the Cherokee Nation and the applicant of the recommendation of the Indian Office, and allow sufficient time for said parties to submit arguments in the matter.

Brief has been filed by the attorney for the nation, also by the applicant.

The attorney for the nation requests that the case be reopened and the nation be permitted to introduce additional testimony.

The evidence is conflicting and unsatisfactory. The Department considers that before the case should be finally adjudicated both sides should be given an opportunity to present further testimony. The case is hereby remanded and it is desired that you allow the applicant and the attorney for the nation reasonable time within which to submit further evidence in the matter.

The record and the briefs filed in the case are inclosed, also copy of the Indian Office letter of July 8, 1904.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

4 inclosures.

Chicago
7-2-1903.

Muskogee, Indian Territory, August 17, 1905.

A. S. McRea,

Attorney for John McDonald et al,
Muskogee, Indian Territory.

Dear Sir:

In connection with the application for the enrollment of John McDonald, et al, as Cherokee Freedmen, you are advised that this office is in receipt of Departmental letter of August 8, 1905, (I.T.D., 1252-1904), remanding the case to this office for further evidence. Further testimony is desired as to whether or not John McDonald was a slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the Civil war, and as to the date of his return to the Cherokee Nation. John McDonald has this date been notified to appear before the office of the Commissioner to the Five Civilized Tribes, at nine o'clock A. M., on Thursday, August 31, 1905, and introduce testimony as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce any testimony it desires in this case.

For your information there is enclosed herewith a copy

A.S.McR--42

of Departmental letter referred to.

Respectfully,

Wm. J. McRae
Acting Commissioner.

JEM

Enc. M-3

Cherokee
F-D-993.

Muskogee, Indian Territory, August 17, 1905.

John McDonald,
Benge, Indian Territory.

Dear Sir:

In connection with your application for the enrollment of yourself and children, John, Jr., Irving and Jane, as Cherokee Freedmen, you are advised that this office is in receipt of Departmental letter of August 8, 1905, (I.T.D., 1252-1904), remanding your case to this office for further evidence. Further testimony is desired as to whether or not you were a slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the Civil war, and as to the date of your return to the Cherokee Nation. You are therefore hereby notified to appear before the office of the Commissioner to the Five Civilized Tribes, at nine o'clock A. M., on Thursday, August 31, 1905, and introduce further testimony as indicated. The Cherokee Nation will also be permitted to appear on this date and introduce any testimony it may desire in this case.

Respectfully,

M. C. Seale
Acting Commissioner.

JM

Register

1
100 - 100.

Muskogee, Indian Territory, August 17, 1905.

Bell, Perkins & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In connection with the application for the enrollment of John McDonald, et al, as Cherokee Freedmen, you are advised that this office is in receipt of Departmental letter of August 10, 1905, (I.T.D., 1252-1904), remanding the case to this office for further evidence. Further testimony is desired as to whether or not John McDonald was a slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the Civil war, and as to the date of his return to the Cherokee Nation. John McDonald has this date been notified to appear before the office of the Commissioner to the Five Civilized Tribes, at nine o'clock A. M., on Thursday, August 31, 1905, and introduce testimony as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce any testimony it desires in this case.

For your information there is enclosed herewith a copy

C. 1
1

Muskogee, Indian Territory, August 17, 1905.

Bell, Assistant J. Davenport,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In connection with the application for the enrollment of John McDonald, et al, as Cherokee Freedmen, you are advised that this office is in receipt of Departmental letter of August 8, 1905, (I.T.D., 1252-1904), remanding the case to this office for further evidence. Further testimony is desired as to whether or not John McDonald was a slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the Civil war, and as to the date of his return to the Cherokee Nation. John McDonald has this date been notified to appear before the office of the Commissioner to the Five Civilized Tribes, at nine o'clock A. M., on Thursday, August 31, 1905, and introduce testimony as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce any testimony it desires in this case.

For your information there is enclosed herewith a copy

B. H. & D. - - -2

of Departmental letter referred to.

Respectfull ,

Wm C. Seal
Acting Commissioner.

JBM

Enc. M-4

Cherokee
F-2-2001.

Muskogee, Indian Territory, August 17, 1905.

A. S. McRea,
Attorney for John McDonald et al,
Muskogee, Indian Territory.

Dear Sir:

In connection with the application for the enrollment of John McDonald, et al, as Cherokee Freedmen, you are advised that this office is in receipt of Departmental letter of August 8, 1905, (I.T.D., 1252-1904), remanding the case to this office for further evidence. Further testimony is desired as to whether or not John McDonald was a slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the Civil war, and as to the date of his return to the Cherokee Nation. John McDonald has this date been notified to appear before the office of the Commissioner to the Five Civilized Tribes, at nine o'clock A. M., on Thursday, August 31, 1905, and introduce testimony as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce any testimony it desires in this case.

For your information there is enclosed herewith a copy

Cherokee
B D-993.

Muskogee, Indian Territory, September 12, 1905.

Neal A. London,

Attorneys for John McDonald et al.,
Fort Smith, Arkansas.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on August 31, 1905, in the matter of the application for the enrollment of John McDonald et al., as Cherokee freedmen, together with a receipt for same which you will please sign and return to this office.

Respectfully,

W. C. C.

W. C. C.
Acting Commissioner.

Incl. GL-274.
GHL

Cherokee
F D-993.

COPY

Muskogee, Indian Territory, September 12, 1905.

Hell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on August 31, 1905, in the matter of the application for the enrollment of John McDonald et al., as Cherokee freedmen.

Respectfully,

SIGNED:

Wm. O. Ball
Acting Commissioner.

Incl. GL-275.
GHL

Muskogee, Indian Territory, October 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of John McDonald, Sr., et al., for enrollment as Cherokee freedmen, including the Commissioner's decision dated October 7, 1905, rejecting said application. This case was remanded to this office for further hearing and readjudication August 8, 1905 (I.T.D. 1252-04).

Respectfully,

Incl. 8-52

100
Commissioner.

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen

D-993.

Muskogee, Indian Territory, October 7, 1905.

Neal & London,

Attorneys for John McDonald Sr., et al.,

Fort Smith, Arkansas.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 7, 1905, rejecting the application for the enrollment of John, Sr., John, Jr., Irving and Jane McDonald as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Incl. S-50
Register

Commissioner.

Cherokee Freedmen

D-993.

Muskogee, Indian Territory, October 7, 1905.

John McDonald, Sr.,

Benge, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 7, 1905, rejecting your application for the enrollment of yourself and minor children, John Jr., Irving and Jane McDonald, as Cherokee freedmen. There has heretofore been furnished your attorneys, Neal & London, Fort Smith, Arkansas, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this-day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

Incl. 3-49
Register

D-998.

Muskogee, Indian Territory, October 7, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 7, 1905, rejecting the application for the enrollment of John Sr., John Jr., Irving and Jane McFonld as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

Incl. S-51

(Copy)

Land.
81,044-1905.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

Dec. 19, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated October 7, 1905, transmitting the record relative to the matter of the application of John McDonald, Sr., et al., for enrollment as Cherokee freedmen.

McDonald applied for the enrollment of himself and his minor children, John, Jr., Irving, and Jane McDonald.

July 10, 1903, the Commission to the Five Civilized Tribes denied their applications for enrollment as Cherokee freedmen.

April 5, 1904, the Department notified the Commission to the Five Civilized Tribes that the Attorney for the Cherokee Nation would be allowed thirty days within which to file any argument which he might desire, and that the applicants would be allowed ten days within which to reply.

August 8, 1905, on motion of the Cherokee Nation, the case was remanded by the Department for further testimony, and on August 31, 1905, additional testimony was taken.

The Commissioner to the Five Civilized Tribes, under date of October 7, 1905, held that under the provisions of section 21

of the Act of June 28, 1898, the applicants were not entitled to enrollment as Cherokee freedmen, and denied their applications.

The principal applicant, John McDonald, Sr., claimed the right to enrollment as a Cherokee freedman by virtue of his compliance with the provisions of Article 9 of the treaty of 1866, and the minor applicants claimed the same right as his descendants.

The record shows that John McDonald, Sr., was born before the beginning of the war; that he is identified on the Wallace roll; that he is the father of the minor applicants, and that Siney McDonald, now deceased, a non-citizen of the Cherokee Nation, was their mother.

From the testimony it does not seem that John McDonald, Sr., ever lived in the Cherokee Nation prior to April 8, 1867, which is subsequent to the time within which he should have returned in order to be entitled to enrollment as a Cherokee freedman, nor does it seem from the record that he was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the beginning of the War. He claims to have been the slave of John Glass, and that he resided in Flint District.

From the testimony this Office does not believe that the applicants are entitled to enrollment, and the approval of the Commissioner's decision adverse to them is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

(G.A.W.) P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y.P.
LLB

I.T.D. 17802-1905.
8653- "

March 23, 1906.

LRC

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory,

Sir:

October 7, 1905, you transmitted the record in the matter of the application of John McDonald, Sr., for the enrollment of himself and his minor children, John, Jr., Irving, and Jane McDonald, as Cherokee freedmen.

Reporting December 19, 1905, the Indian Office recommended that your decision, adverse to the applicants, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision dated October 7, 1905, is hereby affirmed.

The motion for "review" filed by attorneys for the applicants September 7, 1905, of which you were advised January 15, 1906, presents no reason why your decision should be reversed or modified, and it is accordingly denied.

Respectfully,

(Signed) Thos. Ryan.

First Assistant Secretary.

1 inclosure.

Cherokee Freedmen

COPY.

D-993.

Waskopee, Indian Territory, April 3, 1906.

John McDonald Sr.,

Roland, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of March 23, 1906, in which the decision of the Commissioner to the Five Civilized Tribes, dated October 5, 1905, reflecting your application for the enrollment of yourself and children as Cherokee freedmen, is affirmed, and the motion for review, filed by your attorneys September 7, 1905, is denied.

Respectfully,

SIGNED:

W. O. Beall
Acting Commissioner.

LS

Cherokee Freedmen

COPY.

D-993.

Muskogee, Indian Territory, April 3, 1906.

Blue & Fulfer,

Attorneys for John McDonald, Sr., et al.,

Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of Departmental letter of March 23, 1906, in which the motion filed by you on September 7, 1905, for review of the Cherokee freedmen enrollment case of John McDonald, Sr. et al., is denied, and the decision of the Commissioner to the Five Civilized Tribes, dated October 5, 1905, adverse to the applicants, is affirmed.

Respectfully,

(SIGNED).

W. O. Beall
Acting Commissioner.

Incl. 9-3

Cherokee Freedmen

D-923.

Muskogee, Indian Territory, April 3, 1906.

Pell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Certified:

There is inclosed herewith a copy of Departmental letter of March 23, 1906, in which the motion filed September 7, 1905, for a review of Cherokee freedmen enrollment case of John McDonald, Sr., et al., is denied, and the decision of the Commissioner to the Five Civilized Tribes, dated October 5, 1905, adverse to the applicants, is affirmed.

Respectfully,

Incl. C-4

Acting Commissioner.

COPY.

Cherokee
F.D. 993.

Muskogee, Indian Territory, April 3, 1906.

Neal & London,

Attorneys for John McDonald, Sr., et al.,

Port Smith, Arkansas.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of March 23, 1906, affirming the decision of the Commissioner to the Five Civilized Tribes, dated October 3, 1905, rejecting the application of John McDonald, Sr., for the enrollment of himself and children, John, Jr., Irving and Jane McDonald as Cherokee Freedmen. A motion for "review" in this case, filed September 7, 1905, is denied.

There is inclosed herewith, for your information, a copy of Departmental letter referred to.

Respectfully,

SIGNED:

Wm O. Beall
Acting Commissioner.

Incl. 8-7.

J.F Jr.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

D.C. 18900.
I.T.D.5002,5568-1904.
L.R.S.

May 12, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On August 8, 1905, the Department remanded for a rehearing and readjudication the application of John McDonald for the enrollment of himself and his three minor children, John, Jr., Irving, and Jane McDonald, as Cherokee Freedmen.

No report having been received in this matter, you are requested to give this case early consideration.

Respectfully,

Jesse E. Wilson,

Through the Commissioner
of Indian Affairs.

Assistant Secretary.

Cherokee Freedmen
R 694

Muskogee, Indian Territory, August 10, 1906

John McDonald,

Roland, Indian Territory.

Dear Sir:

Referring to your letter of July 26, you are advised that this office is in receipt of affidavit as to the birth on April 15, 1888, of your child, Irvin McDonald. The records of this office show that you made application for the enrollment of, among others, your child, "Irving McDonald," aged on July 1, 1901, fourteen years, that said application was denied by the Commission to the Five Civilized Tribes, and its action approved by the Secretary of the Interior March 23, 1906. There was filed with this office, June 19, 1906, a motion for a rehearing of your Cherokee freedman enrollment case, and you will be advised of any further action taken on said motion.

Respectfully,

L M B

Commissioner

Kuskogee, Indian Territory, December 19, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed by John McDonald, June 19, 1906, for a rehearing of the Cherokee freedman case of himself and children. The reply of the Cherokee Nation filed July 5, and the applicant's reply filed July 19, 1906, are also enclosed.

The records of this office show that the decision of the Commission to the Five Civilized Tribes dated July 10, 1903, rejecting the application of John McDonald for the enrollment of himself and three children as Cherokee freedmen was forwarded to the Department July 24, 1903; that on August 8, 1905 (I.T.D. 1252-1904), the case was remanded to the Commissioner for further hearing and re-adjudication; that on October 7, 1905, after a rehearing in the case, the Commissioner found that the principal applicant, John McDonald, had wholly failed to establish

Secretary-2

that he was the slave of John Glass, a Cherokee by blood, to whom he claims to have belonged at the beginning of the war of the Rebellion, or that he was a free colored person residing in the Cherokee Nation at the commencement of the war, the testimony indicating that John McDonald was never in the Cherokee Nation prior to the time the Delaware Indians removed to the Cherokee Nation under the treaty of April 8, 1867, which was subsequent to the time specified for the return of freedmen to the Cherokee Nation; and that the Commissioner's decision was affirmed by the Department March 23, 1906 (I.T.D. 17802, 8653-1905).

The motion is based upon the ground of newly discovered evidence. From a re-examination of the records in this case, it appears that the motion is only made for the purpose of delay, and there being no satisfactory reason presented why a rehearing in the case should be granted, it is respectfully recommended that the motion be denied.

Respectfully,

Through the

Commissioner of Indian Affairs.

Encl. B-95

Commissioner

(COPY)

Refer in reply to the following:

Land DEPARTMENT OF THE INTERIOR,
26344-1906.
111396-1906. OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

January 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of March 23, 1906 (I.T.D. 17802-1905), affirming the decision of the Commissioner to the Five Civilized Tribes in rejecting the application of John McDonald, Sr., et al., for enrollment as Cherokee Freedmen, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes dated December 19, 1906, enclosing a motion for rehearing this case, filed by John McDonald, Sr., June 19, 1906, together with a reply of the Cherokee attorney filed July 5, 1906, and the applicant's reply thereto filed July 19, 1906. The motion to re-open is based on the ground of newly discovered evidence and supported by the affidavit of one C. D. Harden. No showing is made as to why the testimony of C. D. Harden could not have been secured at the original hearing. Even the affidavit is meager and alleges that he became acquainted with John McDonald "about the year of 1866", and that he learned at that time that John McDonald was the slave of one John Glass, a Cherokee citizen.

The testimony of a number of witnesses at the original hearing was conclusive that John McDonald was not the slave of John Glass, this fact being established in part by the testimony

of the children of John Glass, who would certainly have known the names of their father's slaves. The testimony in the original case tended strongly to show that John McDonald was not in the Cherokee Nation prior to the time that the Delaware Indians removed thereto under the treaty of April 8, 1867; that he served in an Ohio regiment during the Civil War and was mustered out in Columbus some time in 1865.

The motion appears to be without merit, and the Office concurs in the recommendation of the Commissioner to the Five Civilized Tribes that it be denied.

The record in the case is transmitted herewith.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

FWR-W

V
JF Jr.

DEPARTMENT OF THE INTERIOR, LMB
WASHINGTON.

I.T.D.1872-1906.

February 4, 1907.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On January 26, 1907 (Land 111396-1906), the Indian Office transmitted your report dated December 19, 1906, with regard to a motion for rehearing in the matter of the application of John McDonald et al. for enrollment as Cherokee freedmen.

You state that upon a reexamination of the record it appears that the motion is only made for the purpose of delay and that there is no satisfactory reason presented why a rehearing in the case should be granted. You recommend that the motion be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department has examined the motion in connection with the original record, and considers that it was not shown that John McDonald was ever the slave of one John Glass, a Cherokee freedman, whom he claims was his owner, neither is it shown that said John McDonald was a free colored person in the country at the commencement of the rebellion.

-2-

The affidavit in support of the motion is merely hearsay in regard to the ownership of this applicant.

The motion sets forth no evidence which would warrant a rehearing of this case and is accordingly denied.

The Motion, record, and accompanying papers are returned for the files of the Indian Office.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 4 to Ind. Of.

✓
Cherokee
F R 694.

Muskogee, Indian Territory, March 7, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing in the Cherokee freedmen enrollment case of John McDonald, et al., was denied by the Secretary of the Interior, February 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.HJ-77.
HJC

Commissioner.

Cherokee F
R 694.

Muskogee, Indian Territory, March 7, 1907.

John McDonald,
Roland, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing in your Cherokee freedmen enrollment case, was denied by the Secretary of the Interior, February 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-76.
HJC

Commissioner.

Cherokee Freedmen
R 694

Muskogee, Indian Territory, April 6, 1907

John McDonald, Sr.

Roland, Indian Territory.

Dear Sir:

In reply to your letter of March 6, 1907, relative to the enrollment of your child, you are advised the records of this office show that the application for the enrollment of yourself and your children, John, Jr., Irving and Jane McDonald, as Cherokee freedmen, was refused by the Secretary of the Interior March 23, 1907. You are further advised that a motion for a rehearing in said case was denied by the Department on February 4, 1907.

Respectfully,

L M B

Acting Commissioner

Cherokee Freed.
R 694.

Muskogee, Indian Territory, May 13, 1907.

John McDonald,
Roland, Indian Territory.

Dear Sir:

This office is in receipt of your letter of May 2, 1907, concerning your citizenship status in the Cherokee Nation.

In reply you are advised this office is unable to give you any information not heretofore contained in its numerous letters to you in regard to your right to enrollment as a citizen of the Cherokee Nation. You have several times been advised that your application for the enrollment of yourself and children as Cherokee freedmen was denied by the Secretary of the Interior on March 23, 1906. You now state that your "claim should have been filed as a Delaware Indian", and in this connection there is quoted for your information the following provision of the Act of Congress approved April 26, 1906 (34 Stats., 137):

"That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

Respectfully,

S.W.

Acting Commissioner.

Mus kegee, Indian Territory, June 11, 1907

Irvin McDonald,

Roland , Indian Territory.

Dear Sir:

This office is in receipt of your letter of May 29, stating that your father, John McDonald, died on May 27, 1907, and also of a letter dated May 31, 1907, and signed John McDonald, which is apparently written by you, asking information relative to the right of John McDonald to enrollment as a citizen of the Cherokee Nation of Delaware blood.

In reply you are advised that the records of this office fail to show that any application was made for the enrollment of John McDonald or yourself, as a citizen of the Cherokee Nation of Delaware blood, within the time prescribed by law. You have been heretofore advised that the application of John McDonald for the enrollment of himself and his children, John Jr., Irving and Jane

Irvin McDonald-2

McDonald, as Cherokee freedmen, has been denied by the Secretary of the Interior.

The Act of Congress of April 26, 1906, provides that the roll of citizens of the Cherokee Nation should be fully completed by March 4, 1907, and that the Secretary of the Interior shall have no authority to approve the enrollment of any person as a citizen of the Cherokee Nation after that date.

Respectfully,

L M B

Commissioner

In the House Come to the two
civilized Tribes

In the matter of the application
of John McChamblé et al for
redemption as Cherokee Freedmen
Motion for Trial

To introduce testimony
Comes John McChamblé by his
Atty, Wm & Landrum & moves
the Court for time to bring witness
in his case

states that he has employed
the firm of Wm & Landrum to appear
for him in this case. That he
did not give to them the notice
required by the Court until
the 29th day of May 1905 - that he
did not have time to get his witnesses
before the date of trial.

he says that if given time he
will be able to show by competent
witnesses that he was the slave

to the nation as a man at the
Commence of the War & that he
was residing in the Union
at the time of the 11th day
of July 1867 & that he has consistently
considered himself a citizen of the
Union ever since. That he
therefore is proud that he
has been 30 days in the
which he has seen the utterances
of our laws

Wm. L. Landrum

7/10/06
CHUCKEE FREEDMAN

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906

as a citizen of

Nation.

Approved

190 ..

Commissioner.

RECEIVED
JUL 25 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
born on the 15 day of April, 1888
(Here insert name of child)
Name of Father: John McDonald a citizen of the Cherokee Nation
Name of Mother: Mellie McDonald of the Cherokee Nation
Tribal enrollment of father: Tribal enrollment of mother:
Postoffice: Lawrence, La.

AFFIDAVIT OF MOTHER. (Required)

UNITED STATES OF AMERICA, Indian Territory,
Northern District.

John McDonald on oath state that I am forty years
(56) years of age and a citizen by birth of the Cherokee Nation;
that I am the lawful wife of John McDonald who is a citizen, by
birth of the Cherokee Nation; that a boy child was
born to me on 15th day of April, 1888; that said child has been named
Irvin McDonald and was living March 4, 1906.
John McDonald

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 24 day of July, 1906.

My Commission H. B. Richardson
L. D. Stephens March 10 1907 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Northern District.

I, Carrie West, a midwife on oath state that I
attended on Mellie McDonald wife of John McDonald
on the 15 day of April, 1888; that there was born to her on said date a boy
child; that said child was living March 4, 1906, and is said to have been named Irvin McDonald

WITNESSES TO MARK:

[Must be Two
Witnesses]

Hank of court
Anderson, Pullman
Subscribed and sworn to before me this 24 day of July, 1906.

My Commission H. B. Richardson
L. D. Stephens March 10 1907 Notary Public.

MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN.

Date

Post Office

District

1. Name

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3. Name

Year

Page

No.

Dist.

4. Name

Year

Page

No.

Dist.

5. Name

Year

Page

No.

Dist.

6. Name

Year

Page

No.

Dist.

7. Name

Year

Page

No.

Dist.

8. Name

Year

Page

No.

Dist.

9. Name

Year

Page

No.

Dist.

10. Name

Year

Page

No.

Dist.

11. Name

Year

Page

No.

Dist.

12. Name

Year

Page

No.

Dist.

Application made by

Stenographer

And it, both affidavits to be supplied,
 by of marriage required

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. T. B. Needles,

Ind. Ter.

Cherokee, P-D-993

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 695

Trans. from Cher. F.D. 565

Cher. Fr. R. 695

Vinita, I. T., 7/29, 1905.

Received of the Commissioner to the Five Civilized Tribes a copy
of which the following is a copy:

"Cherokee Freedman D 565

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Pauline Turk
et al., as Cherokee Freedmen.
---:---

RE	28	Reuben Still) Sold out of the
		Decided against)
		defendant June 7, 1871) Citation and returned.

-o-o-o-o-o:0:-o-o-o-o-

I hereby certify that the foregoing is a full, complete and correct
copy of the proceedings had before the Commission on Cherokee
Citizenship (Daniels
Court) relative to the citizenship of Reuben Still, as recorded in
"Docket of doubtful cases for Cherokee citizenship tried in 1871, No.
28, page 29," and that said Cherokee citizenship
of this office. docket is in the lawful custody

TAMM BIXBY
Commissioner

July 24 1905"

Blue & Bages
Attorneys for Pauline Turk.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment
of Paulina Turk et al., as Cherokee Freedmen.

R R	20	Reuben Still	
		Decided against	} Sold out of the Nation and returned.
		defendant June 7, 1871	

-0-0-0-0-0:-0:-0-0-0-0-

I hereby certify that the foregoing is a full, complete and correct copy of the proceedings had before the Commission on Cherokee Citizenship (Daniels Court) relative to the citizenship of Reuben Still, as recorded in "Docket of doubtful cases for Cherokee citizenship tried in 1871, No. 28, page 29," and that said Cherokee Citizenship docket is in the lawful custody of this office.

Tams Bixby

WATERBURY

104 2: 1995

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
CHELSEA, I.T., JUNE 7th, 1901.

In the matter of the application of Paulina Turk for the enrollment of herself and one child as Cherokee Freedmen; said Turk being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

APPEARANCES:

Messrs. Smith & Mellette, Attys. for Applicants:
Mr. J. S. Davenport, Cherokee Representative:

Q Give me your present name. A Paulina Turk.
Q How old are you? A 36.
Q What is your post office? A Hayden.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A My little girl.
Q One child? A Yes, sir.
Q Have you a husband? A Yes, sir.
Q Do you want to apply for him? (No response.)
Q Is he a state man? A No, sir, he is a claimant.
Q How long have you lived in the Cherokee Nation? A All my life.
Q You were born in the Cherokee Nation were you? A They say I was born in Kansas, I was brought here, a baby, a little girl; I was born in '65.
Q Give me the name of your father? A Charles Stewart.
Q Is your father dead? A Yes, sir.
Q How long has he been dead? A He has been dead eight years.
Q Give me the name of your mother? A Nandy Still.
Q Is she dead? A Yes, sir.
Q What was her name at the time she died? A Nancy Stewart.
Q How long has your mother been dead? A I really don't know how long; I was so small, I don't know anything about it.
Q Was your father a Cherokee Freedman? A No, sir, he was a state man.
Q Was your mother a Cherokee Freedman? A Yes, sir.
Q To whom did your mother belong when the war broke out?
A Said she belonged to Cook Still.
Q Where did Cook Still live? A On Grand river I think.
Q You don't know exactly? A No, sir.
Q You always understood that your mother was at the time of the war a slave of Cook Still? A Yes, sir.
Q And you always understood that Cook Still was a recognized Cherokee citizen? A Yes sir; I was only about a year old when she died.
Q Well, now, you say you were born in the State of Kansas?
A Yes, sir, but I was brought here in '66 with my mother.
Q You mother you saw came back in '66? A Yes, sir.
Q Have you lived in the Cherokee Nation ever since that time?
A Ever since, don't know nothing else.
Q You have been married? A Yes, sir.
Q How many times? A I have been married twice.
Q Give me the name of your first husband? A Anderson Sanders.
Q Is he dead? A No, sir, he is living.
Q Give me the name of your second husband? A Jess Turk.
Q Is he dead? A No, sir; he is living.
Q Is Anderson Sanders a Cherokee Freedman? A Yes, sir, he is on the '80 roll.
Q Is Jess Turk a Cherokee freedman? A Claimant.
Q Now, this child, is it the child of Anderson Sanders or Jess Turk? A No, sir; she is another man's child; we lived together but he is dead.
Q You lived together as husband and wife? A Yes, sir.
Q What is his name? A His name is Harry Prophet.
Q You have been married three times? A Yes, sir.
Q When was it you lived with Harry Prophet; before you lived with Anderson Sanders? A Yes, sir; been about nine years, the little

girl is eight years old.

Q How long did you and Prophet live together? A We lived together two or three months and parted.

Q Was he the first man you ever lived with? A Yes, sir.

Q You kept house together? A Yes, sir.

Q Did you hold each other out in the community as man and wife?

A Yes, sir.

Q Is Harry Prophet dead? A Yes, sir.

Q Is he a Cherokee Freedman? A Yes, sir; he is on the Wallace roll

Q How long has he been dead? A About six years.

Q Do you know how long Harry Prophet lived in the Cherokee Nation?

A No, sir.

Q You knew very little about him before you married him?

A Yes, sir.

Q Now give me the name of this child? A Etta Prophet. Her name is still on the '96 roll.

Q Is her right name is Etta Prophet? A Yes, sir.

Q How old is the child? A She is eight years old the 29th of this month.

Q On that roll she is put down under your maiden name? A Yes, sir, under my mother's.

Q You went by the name of Still before you married? A I went by the name of Stuart but I had to enroll under her name on the Wallace Court.

Q Is this child living with you now? A Yes, sir, she is living.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon:
The 1896 census roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of Harry Prophet not found thereon.

Q How did you happen to be going by the name of Still? A You see we had to go by the name of our mother.

Q She went by the name of Stewart? A No, sir, she was owned by the Cherokees and we had to sign their name.

Q Your mother didn't go by the name of Nancy Stewart but by the name of Nancy Still? A Nancy still that was her owner's name.

The Wallace Roll of freedmen of the Cherokee Nation examined and applicant's name found thereon, page 189, #3468, Paulina Still, Cooweescoowee District.

Q How old would he be now if he were living, Harry Prophet?

A I don't know.

Q Would he be about your age about as old as you are or younger?

A I think he would be younger.

The Wallace Roll of Cherokee Freedmen examined and name of applicant's child's father found thereon, page 133, #2786, Harry Prophet, Cooweescoowee District.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:

Page 123, #3051, Plina Still, Cooweescoowee District.

Page 123, #3052, Etta Still, Cooweescoowee District.

Q Now, have you some old neighbor who has known you all along and has known about you living with this man and about this being your child? A Yes, sir.

Q Well who is there here? A Jerry Riley.

JERRY RILEY, being sworn and examined by Commissioner Breckinridge, testified as follows:

Paulina Turk, et al.--3.

Q Give me your name. A Jerry Riley.
Q How old are you? A About 47 or 48.
Q What is your post office? A Chelsea.
Q Do you know this applicant here? A Yes, sir.
Q How long have you known her? A About 30 years I guess.
Q What was her name when you first knew her? A Paulina Stewart.
Q Did she ever have any other name besides Stewart? A Not that I know of then at that time.
Q Well, has she been married? A Yes sir.
Q Who was the first man she ever lived with? A The first one I ever knew anything about was Charley Landrum.
Q And then who else has she ever lived with? A I don't know that I know any one particularly outside of Harry Proghet.
Q She is living with Harry now isn't she? A Harry is dead.
Q That is the second man she lived with? A Second to my knowledge.
Q What is the man's name she is living with now? A I don't know; I haven't seen him.
Q You don't know much of her of late? A I have seen her but I haven't seen the man she lived with.
Q You don't know his name? A No, sir.
Q How far does she live from you? A About eight or nine miles.
Q She is not a near neighbor then? A No, sir; she lives on Lightning Creek, I live in Five miles of here.

PAULINA TURK, the applicant, re-called:
BY MR. DAVENPORT:

Q What name did you apply to the Kern-Clifton Commission under, Paulina? A Paulina Still.
Q You don't know anything about when your parents returned?
A No, sir; I was only about a year old.
Q When you first remember you were living in the Cherokee Nation?
A First I remember I was here.
Q You were born after they went out of the Nation? A Yes, sir.
Q You were not born a slave yourself; what you claim through is your mother having been a slave of Cook Still? A Yes, sir.

HARRY STILL, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Harry Still.
Q How old are you? A 54, sir.
Q What is your post office? A Hayden.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you on the 1880 roll? A No, sir, not on the roll of 1880, but I is a recognized citizen.
Q Your rights were recognized by the Courts? A Yes, sir, I was before you at Vinita.
Q Do you know the applicant here, Paulina Turk? A Yes, sir.
Q How long have you known her? A All her life, when she was a baby.
Q Where did you first see her? A First time I saw her was when her mother was coming to this country with her.
Q How old did she appear to be at that time? A She seemed to be about a year old.
Q Do you know what year that was? A That was in '66 when I was coming to this country.
Q Was that in the year and at the time you were coming back to make your home? A Yes, sir.
Q Did you know her mother? A Yes, sir.
Q What was her name? A Nancy Still; Nancy Still was her maiden name.
Q Well, then she married a man by the name of Stewart?
A Yes, sir.

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Q Well, who did Nancy still belong to? A Belonged to Cook Still.
Q Did you know him? A Yes, sir.
Q Was he a Recognized Freedman in the Cherokee Nation?
A Yes, sir, Cherokee by blood.
Q When did this woman's mother, Nancy, die? A She died in '66.
Q Had she returned to the Cherokee Nation when she died?
A Yes, sir.
Q About how long had she been back? A Perhaps three weeks before
she died; she died on Russell Creek.
Q Do you know whether this woman has lived ever since you saw her
when a baby in the Cherokee Nation? A Yes, sir, been here all the
time.
Q Well, now, this woman has been married several times hasn't she?
A Yes, sir.
Q Now, I want to find out about her changes of name, have you kept
the run of her all the time? A Yes, sir.
Q Who was the first man she ever married? A The first man I ever
known of her marrying, that is that I know of, man by the name of
Harry Prophey.
Q And then who? A Next man was this man she is living with now.
Q This man Turk? A Yes, sir.
Q Did you know anything about her living with a man named Sanders?
A Yes, sir, she was at Tahlequah at that time, I don't know about
that, but I heard she lived with Sanders.
Q Did she ever live with a man named Landrum? A Yes, sir; I
have heard of that, I never did know that.
Q Did you recognized this as the same woman that you knew as Pau-
lina, the daughter of Nancy Still? A Yes, sir.
Q You know that do you? A Yes, sir.

BY MR. WELLETTE:

Q As a matter of fact, Harry, did this woman's mother die on the
road to the Cherokee Nation.
Q Who took the child after that? A Her father took her, brought
her to my house and from there he carried her to my father's on
Grand river, Rube Still; first one place and another around, he
never has had her out of the country.

BY MR. DAVENPORT:

Q Was your father a slave before the war, Harry? A Yes, sir.
Q To whom did he belong? A He belonged to old George Still, the
original George Still, not young George but old George.
Q Now the father of this woman wasn't a slave? A No, sir, he was
a free man.
Q How do you know he was? A I mean he was a state raised man.
Q Then he would not be a free man? A He was a state man.
Q Is this Charley Stewart who formerly lived at Fort Scott, Kansas?
A No, sir.
Q Never belonged to any family at Fort Scott where Nelson Murrell
lived on his farm before the war? A No, sir.
Q And the mother of this girl died on her return? A Yes, sir.
Q She had never established her right as to when she returned at
the time she died, the mother of this applicant? A No, sir, didn't
have the time, she died right here at Timbered Hill.
Q This girl was born in Kansas? A Yes, sir.
Q And was born at the close of the war? A She was born about a
year when she brought her here.
Q She brought her here what time of the year?
A In '66.
Q And this girl was about a year old when she brought her here?
A Yes, sir.
Q Was she born about '66? A Yes, sir.
Q What makes you remember it was '66? A Because I was coming
and they come with me.

Paulina Turk, et al.--5.

Q You hadn't been living with them up there in Kansas had you?
A Why I had been to her house, I was started; I hadn't been living with her though.
Q You been there about a year before you started back had you?
A Yes, sir.
Q Didn't you say a while ago the first time you saw this girl ~~was~~ was as you were coming back to this country? A No, sir.
Q You didn't answer Mr. Mellett's question and say the first time you saw her she was about a year old? A I said she was a baby.
Q Didn't you say the first time you saw this girl she was about a year old? A I say when they brought her here she was a baby.
Q You saw her in Kansas? A Yes, sir.

BETSY WHITMIRE, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Betsy Whitmire.
Q How old are you? A About 56 years old.
Q What is your post office? A Hayden.
Q In what district do you live? A Cooweescoowee.
Q How long have you lived in the Cherokee Nation? A Why I guess I have lived about 35 or 36 years, something, I don't know just how long. I was born and raised here.
Q You were out during the war were you? A Yes, sir.
Q What time did you come back? A Come back in '66.
Q What time in '66? A Sometime along in the fall.
Q Well, you claim to have lived here all your life except a while during the war do you? A Yes, sir.
Q Did you know this woman here, Paulina Turk? A Yes, sir.
Q How long have you known her? A I have known her ever since she was a baby.
Q Have you known her all her life? A Yes, sir.
Q Did you know her mother? A Yes, sir.
Q Who did her mother belong to when the war came on? A Belonged to Cook Still.
Q Did you live near Cook Still? A Well, yes, sir, about 35 or 40 miles.
Q ~~How~~ How do you know she belonged to Cook Still? A I always heard her say she did.
Q Who say? A Cook Still, he always claimed he owned her mother.
Q You knew him well? A Yes, sir; I knowed him well.
Q Well did you know this woman's mother when she was up in Kansas? A Yes, sir, I knowed her, I didn't see her; I didn't see her very often, she didn't live right by me.
Q How far did she live from you? A She travelled around in Kansas; she lived there somewhere close to Lawrence.
Q Now, what do you know of this woman's mother coming back from Kansas? A I didn't see her when she was coming here; when I saw her about a week before Christmas and soon after I come her father come and brought this girl, I didn't see her mother.
Q Where and brought the girl? A This Paulina's brother and father.
Q Do you mean brought the girl to your house where you were? A Yes, sir, on Lightning Creek.
Q Well, do you know when he brought the child to the Cherokee Nation? A The first time I saw him when he brought the child he brought it to Lightning Creek.
Q You don't undertake to say how long he had been in the Cherokee Nation with the child? A No, sir.
Q And the father come to your house about two weeks before Christmas and with this child and said the child's mother was dead? A Yes, sir.
Q That was in '66? A Yes, sir.
Q How long had you been back? A I come along in the fall and I

got out to Lightning Creek, I come to Tahlequah.
Q That was after you got here? A Yes, sir.
Q Have you known the child ever since that time? A Yes, sir, grown up in that country.
Q This is the same person is it? A Yes, sir.
Q Was she lived in the Cherokee Nation ever since you saw her as a baby? A Yes, sir.
Q About how old was she ~~when~~ when she was brought to your house there? A I guess she was about a year old, but a little older.

BY MR. DAVENPORT:

Q Ant Betsey, how long before the breaking out of the war had it been that you had seen Cook Still and said this woman's mother belonged to him? A I seen him in '62.
Q He then told you that Nancy Still belonged to him? A Yes, sir.
Q How did he happen to tell you that? A I asked him about Nancy and he had she was hired out; he had her hired out ever since I knowed her.
Q You lived about 35 or 40 miles from him? A Yes, sir.
Q Who did you belong to? A Nick Sanders.
Q How long was it after you had this talk with Cook Still before Nancy Still went to Kansas? A About two or three weeks I guess; she come to Tahlequah when all the colored people was going North and somehow or another she got to Tahlequah and my uncle carried her to Peoria, Kansas.
Q You didn't go away with her did you? A Yes, sir.
Q Where did she go to, what point? A Peoria.
Q Where did you go to? A I went to Lawrence.
Q It is some distance from Peoria to Lawrence? A Yes, sir.
Q It wasn't close enough to visit backwards and forwards?
A No, sir, I didn't see her any more.
Q In fact you never did see Nancy after she went to Kansas? A She moved up about Lawrence and I seen her once or twice after that.
Q You never did see her after the war? A No, sir.
Q And the next thing you know of her the father of this girl come to your house and said that was the child of Nancy? A Yes, sir.
Q You don't know whether it was her child any more than what the father said about it? A No, sir.
Q You never saw the child with Nancy? A No, sir.
Q All you know about it sometime after you came back a man who claimed to be the father of this child come to your house and claimed to be the father of this child? A Yes, sir.
Q The father wasn't a Freedman was he? A No, sir.

FOR MR. BRECKINRIDGE: The applicant applies for the enrollment of herself and one child. The applicant is identified on the Kern-Clifton roll and on the Wallace roll, but not upon the roll of 1880 or upon that of 1896. She is 36 years of age; it appears that she is the child of a Cherokee slave woman and that she was born in the State of Kansas where her mother had been carried during the war, and that she was brought back to the Cherokee Nation by her mother in the Autumn of 1866. Her mother while in Kansas had married a state man. He seems to have come back to the Cherokee Nation with his Cherokee wife and this child, and the applicant's mother appears to have died a few weeks after her return to the Cherokee Nation. It is established in a satisfactory manner that the applicant has lived in the Cherokee Nation from the time her mother brought her from Kansas until now. Her changes of name are established in a satisfactory manner. It is shown in quite a conclusive manner that the applicant returned at a time and under conditions that qualified her to citizenship as a Cherokee Freedman under the Treaty of 1866, but inasmuch as she is not upon the roll of 1880 and that of 1896, she will at

Paulina Turk, et al.--7.

present be placed upon a doubtful card and the final decision of the Commission will be made known to her at her post office address. As for the child, Etta Prophet; this child is identified on the Kern-Cliton roll with its mother and under the name that she bore at that time. She desires the children to bear the name of its father, and it will now be listed for enrollment as a Cherokee freedmen on a doubtful card, as Etta Prophet, to await the determination of the status of its mother. This child's father who seems to have been probably the first man with whom the applicant lived under the recognized bonds of marriage life, has been dead some six years, and is identified on the Wallace roll. No claim that the child may possess through its father is not pursued at this time as he is dead and is said to have been a disputed claimant and inquiry in that direction would probably be lengthy and unprofitable. The child's strongest claim seems to be undoubtedly thorough its mother. The final decision in regard to this child will be made known to its mother at her post office address.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 13th day of June, 1901.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON? I.T., SEPTEMBER 23, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Paulina Turk as a Cherokee Freedman, introduced on part of the Cherokee Nation:

APPEARANCES:

Mr. Smith of Counsel for applicant;
Mr. W. W. Hastings, for Cherokee Nation.

EDWARD STILL, being duly sworn by Commissioner Needles, testified as follows:

MR. HASTINGS: What is your name? A They call me Ned, but my right name is Edward Still.

Q What is your post office, Mr. Still? A Tahlequah.

Q What is your age? A I am 56 years old the 25th day of this next October coming.

Q What was your father's name? A His name was Cook Still.

Q What was your mother's name? A Betsy Still.

Q Where did your father live before the war? A He lived out here on Grand river and lived a while in Delaware district and lived a while in Goingsanek and lived a while in Flint and in Sequoyah.

Q Was your mother living when the war came up? A Yes, sir.

Q Was your father living? A Yes, sir.

Q He died during the war, or since the war? A Well, died during the war, got killed.

Q Did your father ever own a colored ~~man~~ woman by the name of Nancy? A Yes, sir, he owned a colored woman by the name of Nancy and colored man by the name of Rube.

Q Now, did he own Nancy when the war came up? A No, sir.

Q What became of her? A Father and uncle George Still taken her and Rube still to Fort Smith and sold them to a man there and went to Mississippi, what I was told; sold by my uncle George and father-

Mr. Smith: I object to it if you don't know anything about it.

Q Did your father say he sold her? A Yes, sir.

Q How long before the war was that? A I could not tell you, it was seven or eight years before the war.

Q Did she ever come back to your father's house after he took her away? A Never did.

Q Was she living at your father's house when the war came up? A Living up here on Grand river.

Q Was she living at your father's house when the war came up? A No, sir.

Q Did your father have any colored people when the war came up? A None at all.

Q Have you ever seen this woman since the war? A I never have saw her since the war.

Q Did you ever see her after that? A Yes, sir; I saw her once after that.

Q When? A It was in time of the war was going on I saw her in Fort Scott, Kansas.

Q Did you have any talk with her? A I stayed with her there about three or four weeks.

Q Did she say anything about who owned her when the war came up? A No, sir, she didn't say anything about that; I was quite young

and up there loafing around in time of the war.

MR. SMITH: About how old were you when you were up to Fort Scott? A I guess I was somewhere along about 15 or 16 years old.

Q Was that during the war? A Time of the war.

Q While the war was going on? A Yes, sir.

Q How long had the war been going on? A When the Cherokees went

off and I went to Baxter Springs and I didn't stay at Baxter but two or three weeks and I went to Fort Scott and went on from there to Kansas City.

Q But while you were at Fort Scott at that time, how long had the war been going it? A It hadn't been so powerful long; this was about the first trip the Cherokee Indians left the Cherokee Nation to join the Federals.

Q The war had been going on about a year? A Yes, sir.

Q You must have been about 14 when the war commenced? A Yes, sir, somewhere.

Q Now you think this woman you are talking about was sold about eight years before the war? A About ~~xxxx~~ six or seven years I said, I don't know exactly how long.

Q How old were you when she was sold? A I am 56 this coming October.

Q If you were about 14 when the war commenced and she was sold about six or seven years before the war, you must have been about seven years old. A I recollect when my father and uncle George started to Fort Smith with her and I recollect that there well, because us children all cried for her.

Q How old were you then? A I don't know; I don't know how old I was before the war; I remember me and the children cried, Uncle Tom Neugen was there, and Nancy Ketchum, a whole bunch of Indians gathered up there to see them.

Q Now, who was it? A Nancy and Rube, right up here on the, pretty high the head of Clear creek.

Q How old was Nancy at that time? A Nancy was a young woman.

Q Have any children? A No, sir, didn't have any children.

Q Well, now where was your father living at that time?

A He was living there with what was called my stepgranney.

Q Where was your stepgranney living? A Up here in Tahlequah district on Clear creek.

Q Your father only said that this woman was sold, and that is all you know about it? A I saw them start off with them, Nancy and Rube, him and George Still.

Q Of your own personal knowledge that is all you know? A I know what they told me when they came back.

Q And that is all you know of it? A I saw them start off.

Q And you never saw her any more until you saw them in Fort Scott?

A No, sir.

Q Who was they with in Fort Scott? A She was in the hotel, it was in a big rock house on the main road where it goes into Fort Scott, it was right south of there in a big rock house the southern prisoners were kept in the time of the war they had them.

Q Do you know who she was with? A I never asked anything about that.

Q Do you know who she went there with? A No, I don't know that.

Q Do you know how long she stayed there? A No, I don't.

Q Do you know when she came back to the Cherokee Nation?

A No, I don't know that.

JOE DOWNING, being duly sworn by Commissioner Needles, testified as follows:

MR. HASTINGS: What is your name? A Joe Downing.

Q Mr. Downing, are you a Cherokee citizen by blood? A Yes, sir.

Q What is your age? A Something over 50; 54 or 5 I don't know my age exactly at all.

Q Where did you live before the Civil war? A I was raised near Cincinnati in the Cherokee Nation.

Q Do you know this witness that just left the stand Ed or Ned Still, before the war? A Yes, sir; his father and mother stayed around where my folks, where I lived, come right there and stayed quite a while when I was a boy.

Q Did you know a slave that they formerly owned by the name of Nancy?

A Yes, sir, I have seen her.

Q Do you know whether they owned her when the war came up or not?

A No, sir, didn't own any at the time.

Q Didn't own any? A As well as I remember my folks said that Nancy and fellow by the name of Rube took them down to Fort Smith. Rube when he come back, when they went away, come back.

Q That was Rube? A Yes, sir.

Q I am talking about Nancy? A I don't know whether she ever got back.

Q You never saw her ~~after~~ back? A No, sir.

MR. SMITH: Rube was a man was he? A Yes, sir.

Q Well, did this woman have any sisters? A If she did I don't remember anything about it.

Q Where did you live with reverence to where old man Still lived?

A Old man George Still?

Q Yes? A I lived in Goingsnake, he lived down here on Grand river at that time.

Q How far from you? A Fifty miles.

Q ~~Yes~~ How do you know anything about who took that woman off?

A We was related, all kinfolks, George married my aunt.

Q George Still married your aunt? A Yes, sir and was always backwards and forwards together.

Q Well, did you see them going off together? A I seen Cook Still and old man still I think was the men that taken them off.

Q Well, do you know? A Well I didn't see them before they taken them off.

Q Well, ylu don't know anything about, of your own personal knowledge, whether they were sold or not? A Rube came back and told me thacy was sold.

Q Who told you? A Rube still he come back there where I lived, he had an aunt around there.

Q This woman didn't belong to Rube? A It was his sister that was; both taken out together.

Q He came back did he? A Yes, sir, wounded.

Q The woman didn't tell you anything about being sold? A I never seen her any more.

Q You don't know whether she was sold or not? A No, sir, only what they told me.

Q Now, you understand that this woman and Rube, her brother, were sold at some time? A Yes, sir.

Q And you know that he was back here when the war broke out?

A No, sir, that was before the war when he came back; and he left and went up in Kansas.

Q And you don't know whether the woman came back or not?

A No, sir, I could not tell you anything about that.

Q Well, how far was this woman still living from you at the time the war broke out? A At one of the still's.

Q Still, the father of Ned? A He was living there about my folks.

Q How far from you? A Right there, he didn't have any home, Ned's father didn't.

Q Who did this woman belong to? A She belonged to the family, some way or another, and Cook he took her and went away and sold her.

Q Belonged to the still family? A Yes, sir.

Q Well, did they all live together? A No, sir, George lived up here on the river.

Q Might have been some of the other Stills for all you know?

A Yes, sir.

Com'r Needles: This testimony will be filed with the testimony already taken in the case.

Supl.C.F.D.#565.----4.

J. O. Rason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rason

Subscribed and sworn to before me this September 24th, 1901.

C. R. Bucknizer

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment
as a Cherokee Freedman:

Applicant appears by Mullette & Smith; Cherokee Nation, by
W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Moses Whitely, Trustee for the Freedmen, vs The Cherokee Nation,
No. 17209 filed in the Mariah Hayden case F D 123, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case or the said Mariah Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Pauline Turk, D 866;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-
duction of the decree because, First: It does not tend to show that
the applicant was a slave of the Cherokee Nation at the beginning
of the war, nor that he returned within the time specified in the
treaty of 1866, or that he had been a continuous resident of the
Cherokee Nation since that time, or that he is a descendant of such
a person. Second: Because the same is incompetent, irrelevant
and immaterial, and does not tend to prove an issue in this case.
Third: Because the Commission will take judicial knowledge of all
laws, treaties and decrees necessary for the determination of the
right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same is
called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be en-
tertained and the decree of the Court of Claims filed in the case
of Mariah Hayden will be made a part of the record by reference in
all the cases above named with the exception of those which come
within the provisions of the temporary injunction recently granted
by Judge Giff of the United States Court, of the Northern District,
Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named
cases including the Mariah Hayden case that counsel for the appli-
cant be allowed within thirty days to file any of the proof of any
or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

[Signature]
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 24, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the
application for the enrollment of PAULINA TURK, ET AL., as
Cherokee Freedmen.

Appearances:

W. W. Hastings, J. S. Davenport and L. B. Bell, Attorneys
for the Cherokee Nation.

Witnesses placed under the rule.

PAULINA TURK, being first duly sworn, and being examined,
testified as follows:

BY COMMISSION: What is your name? A Paulina Turk.

Q How old are you? A I was born in 1865, you will have to count
it up.

Q Were you born after the war? A Yes sir, I guess. I don't know
much about it.

Q You don't remember anything about the war? A No sir.

Q What is your post office address? A Hayden.

Q In what district do you live? A Cooweescoowee District.

Q What relation is Etta Prophet to you? A That is my daughter.

Q Who is the father of Etta Prophet? A Harry Prophet.

Q He is dead, isn't he? A Yes sir.

Q Were you married to Harry Prophet? A Married the way we used to
marry in them times, some did and some didn't. Lots of them aint
married.

Q You were never married under a marriage license to Harry Prophet?

A No sir, not to him.

Q When did you first get acquainted with Harry Prophet?

A Here in the Territory?

Q When? A It has been quite a while ago, years ago.

Q You got acquainted with him after the war? A Why certainly.

Q Have you lived in the Cherokee Nation all your life?

A Ever since I can remember I have lived in the Territory, don't
know anything but this.

MR. BELL: Was Harry Prophet a white man? A I don't know. He
didn't look white to me. He was a colored man.

Q Was he a Cherokee freedman? A He claimed to be.

Q I am asking you? A That's all I know, only what he claimed.

Q You don't know? A No sir, I don't know. I have got witnesses
to know. I only know that he claimed to be.

Q Where did you first find him? A Here in the Territory, out on
Panther Creek, above Chelsea.

Q Do you know his father and mother? A Yes sir.

Q Where did they live? A They lived there.

Q Where? A On Panther Creek.

Q In Cooweescoowee District? A Yes sir.

Q How long since you began to do like married folks? A It has
been a long time ago, about eleven years.

Q How old are you? A I don't know.

Q You don't know anything at all about the nativity of your
husband? A No sir, I don't know no more than what he claimed.

ALLEN LYNCH, being first duly sworn, testified as follows on behalf of applicants:

BY COMMISSION: What is your name? A Allen Lynch.
Q How old are you? A Sixty-three.
Q Where do you live, Vinita? A My home is down on Grand River.
Q What is your post office? A Vinita.
Q Did you know Harry Prophet in his lifetime? A Yes sir.
Q Is he the father of Etta Prophet? A I don't know about that.
Q Was he living with Paulina Turk? A Yes sir.
Q When did you first get to know Harry Prophet? A I never got to know him until after they come down here on Pryor Creek about ten or fifteen years ago.
Q You never got acquainted with him until after the war?
A No sir. I know his mother.
Q Who was his mother? A Betsy Martin, used to be. Belonged to Joe Martin.
Q Do you know how old a man Harry Prophet was when he died?
A No sir, I don't.
Q Who was his father? A He is an old fellow called Prophet out here. That's all I know about it. He was a state man.
Q His father was a non-citizen? A Yes sir.
Q This Betsy Martin, was she the slave of a Cherokee citizen before the war? A Yes sir.
Q Who did she belong to? A Joe Martin.
Q Do you know when she came back? A No sir, I don't know when she came back.
Q You don't know of your own knowledge then, whether Harry Prophet was a Cherokee freedman or not? A His mother was. I don't know just when she was born, or anything about that part of it. His mother was a Cherokee freedman.
Q You don't know when his mother came back after the war? A No sir

FRED MARTIN, being first duly sworn, testified as follows on behalf of applicants:

BY COMMISSION: State your name? A Fred Martin.
Q How old are you? A About forty-nine. Forty-eight or -nine, I don't know just which.
Q What is your post office? A Warren.
Q In what district to you live? A Cooweescoowee.
Q You were born before the war, weren't you? A Yes sir.
Q Did you know Harry Prophet in his lifetime? A Yes sir, I did.
Q Do you know whether he was born before the war or not?
A I don't know when he was born. I know he wasn't born before the war.
Q You know he was born after the beginning of the war? A Yes sir.
Q Who was his mother? A His mother was Betsy Martin before marriage. She was my aunt.
Q Was she the slave of a Cherokee citizen at the commencement of the war, Betsy Martin? A She is said to be. I have no personal knowledge, I can't tell you.
Q Do you know when Betsy Martin came back after the war?
A No sir, I don't.
Q When did you first get acquainted with Harry Prophet?
A I got acquainted with Harry Prophet, I don't know as I can tell you just exactly. It has been twelve or thirteen years, though. He was quite a young fellow when I got acquainted with him.
Q How do you know that he was born since the war? A Because he was just quite a young fellow when I got acquainted with him. That ant been more than twelve or thirteen years ago.

Q He wasn't a grown man at that time? A No sir.
Q Do you know who Betsy Martin is said to have come back with
after the war? A No sir, I don't.
Q Who was she related to? Can you give some of her relatives?
A She was my father's sister.
Q What was your father's name? A Fred Martin.
Q Did she have any other brothers or sisters? A She did.
Q What was their names? A There was Will Martin, Lew Martin,
Rhoda, Pate, Tobe.
Q Is Lewis Martin still alive? A Yes sir.
Q She was the sister of Tobe Martin too? A Said to be, yes sir.

Wm. Hutchinson, being first duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he correctly reported
the testimony and proceedings in this case, and that the foregoing
is a true and complete transcript of his stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 27th day of October, 1903.

Charles H. Leannon
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JULY 16, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of PAULINA TURK, ET AL., as Cherokee freedmen.

It appears that on June 30, 1904, the applicant, Paulina Turk, her attorney and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on July 16, 1904, and introduce further testimony touching the points mentioned in said letter.

APPEARANCES:

Applicant in person and by attorney, R. W. Blue.
Cherokee Nation by its representative, James S. Davenport.

ANN SANDERS, being first duly sworn, testified as follows on behalf of the applicants:

By the Commission:

- Q What is your name? A Ann Sanders.
Q How old are you? A 50 something, don't know exactly.
Q What is your postoffice address? A Hayden.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know the applicant in this case, Paulina Turk? A Yes, sir.
Q How long have you known her? A First time I seen her was in along last of August or September, '67, but I knew her mother ever since I was a girl.
Q What was her mother's name? A Nancy Still.
Q Do you know whether or not Nancy Still was the slave of a Cherokee citizen before the war? A Her master said it was his slave.
Q Who did she belong to? A Cook Still.
Q Citizen by blood of the Cherokee Nation? A Yes, sir.
Q Where did he live before the war? A His home was Going Snake; just going about; my mother's sometimes; just first one place and then another; didn't have a certain home.
Q Did Nancy Still belong to him when the war come up? A He said so.
Q You don't know yourself? A I just know what he said.
Q Where was Nancy living when the war come up? A When we went to Kansas, she was working in Tahlequah.
Q Who was she living with? A She was working out.
Q Who for? A For Jess Wolfe; I don't know just exactly.
Q How old is the applicant, Paulina Turk? A I don't know; when I knew Nancy she never had but one child to my knowing and that was a boy.
Q Do you know whether Nancy went out of the Nation during the war? A Yes sir, my uncle taken her out.
Q Where to? A Paola, Kansas.
Q Do you know whether or not Paulina Turk has any children? A Yes, sir.
Q Do you know a child of hers by the name of Ada Prophet? A Yes, sir.
Q Is that child living now and living with the applicant? A Yes, sir, she is living; they call her Etta, I suppose it is the same.

Q Do you know Harry Prophet, who is said to have been the father of that child? A Yes, sir.
Q Is he living now? A No, sir.
Q Do you know whether or not he was a citizen of the Cherokee Nation? A I couldn't say; they said he was.
Q You don't know? A I don't know anything only they lived close to me and said he was.
Q Was he a colored man? A Yes, sir.
Q Do you know whether or not this man Harry Prophet ever lived with Paulina Turk? A Yes, sir, he lived with her.
Q For how long a time did they live together? A Something over a year; I don't just remember; they lived in about 2 1/2 miles of me.
Q Do you know whether this child Etta or Ada was born during that time? A She was born soon afterwards.
Q About how long? A I couldn't tell, but she was born afterwards.
Q To the best of your knowledge? A I couldn't just tell, but soon afterwards.
Q A Year afterwards? A No, sir, a short time afterwards, after she left him her brother had to take her and take care of her until the child was born; I know she wasn't able to take care of herself.

By Mr. Blue:

Q What did you say was the name of the master of Nancy Still?
A Cook Still.
Q Where did you last see him? A The last time I seen Cook Still we were going to Sanders', Ben Sanders' raised me and taken us to Kansas; we were camped at Ray's Mill for several days, and he come down there in the afternoon, and so he told my uncle, he says, "I come to tell you all goodbye," and told him he come down to tell Nancy goodbye and told Ben he wanted him to take good care of Nancy, and says, "She was my nigger and I leave her as a sister," and says, "I am going away and give the rebels hell."
Q Where was Nancy then? A Right there holding the child in her lap.
Q Was that Paulina? A I don't know about Paulina.
Q To whom did Cook Still refer when he said Nancy Still? A He was talking to my uncle and she was sitting there.
Q What was your uncle's name? A Ben Sanders.
Q Do you remember the date of that conversation? A I can't really I was a girl; I think it was in '62 or '3, first of '63 we left home in the Christmas I remember well.
Q Christmas of some year? A I think in '62
Q Was the war going on? A Yes, sir, the war was going on, because Cook Still, they come in home Christmas morning, the soldiers, and Nancy was at our house.
Q Where was this mill that you speak of? A I couldn't tell you now; up that way somewhere.
Q Was this conversation at the mill? A Camped on a creek
Q Was that in the Cherokee nation? A Yes, sir, I think so.
Q He said at that time that she was his nigger and to take good care of her? A Yes, he did, him and several other men.
Q Where did you say Nancy first got with you people? A When we first started at Tahlequah.
Q Did she come to you there? A When I seen her she was there.
Q Was there a good crowd of you starting north then? A Yes, sir, a good many
Q When did you see Nancy Still there? A The last time, I believe I seen her once afterwards in Lawrence.
Q When was that? A It was, I guess, about in '64, sometime I couldn't really remember.
Q Is she living yet? A They say she is dead.
Q You don't know about that? A No, sir, I guess she is, though.

Q In regard to Harry Prophet, when did you first see him, if you remember? A First seen Harry Prophet, been about 14 or 15 years; before they paid off that Wallace money at Vin. ta.
 Q Where was he residing at the time you first saw him? A I never was at the place; I heard it.
 Q Where did you first see him? A At Mr. Hughes.
 Q Where was that? A On Lightning Creek.
 Q Cherokee Nation? A Yes, sir.
 Q Do you know whether or not he was a Cherokee freedman? A No, sir, I couldn't swear it; I have heard it; I don't know.
 Q Where did he and Paulina live together? A About 2 1/2 miles from home.
 Q From your home? A Yes, sir.
 Q Where was that? A On the road to Chelsea; we lived right close to the road as you go to Chelsea from Hayden.
 Q About where did you live at that time? A Right where I am now.
 Q How far is that from Chelsea? A Eight miles.
 Q What distance from Hayden? A About two miles.

By Mr Davenport:

Q In what part of the Cherokee Nation do you live? A Hayden.
 Cooweescoowee.
 Q How far do you live from Paulina Turk? A Now?
 Q Yes. A I guess it is about four miles.
 Q Where were you living when the war broke out, and with whom?
 A I was living right in Tahlequah.
 Q With whom? A Ben Sanders
 Q Where was it that you saw Cook Still, when was it with reference to the breaking out of the war? A I seen Cook all the time of the breaking out of the war.
 Q How long after the war broke out? A I think it was about '62 or '63, I think so; Uncle Ben said it was '62 when we left it was in Christmas.
 Q Don't you know it to be a fact that Cook Still was killed right at the beginning of the war? A He was killed the very night he come to our camp; I can prove it; John Meigs come to our camp with him and that was when he was telling them goodbye; the next day the report come back that Cook Still was killed, and this Nancy Still was crying.
 Q Was Nancy Still the mother of Paulina? A That is what they say.
 Q You don't know anything about that of your own knowledge? A A That is what they say.
 Q You were camped then at Ray's Mill? A Yes, sir.
 Q Near Cincinnati, Arkansas? A I think so.
 Q It was in Arkansas? A I don't know; it was Ray's Mill
 Q How large were you then? A A good big girl.
 Q About how old? A About 12.
 Q How old was Nancy Still? A I couldn't tell you.
 Q Older or younger than you? A She was-a had a baby
 Q She was a grown woman then and you were a girl? A Yes, sir.
 Q When did she leave your people? A We went from there to the Neosho and went from there to Fort Scott and then Ben took her to her brother's in Paola, Babe Still, and we went to Lawrence.
 Q When did you next see her after you left her at Paola? A I saw her in Lawrence, I think, in '64, not so long afterwards.
 Q After '64 where did you next see her? A Not until at all.
 Q Did she die up about Lawrence somewhere? A I don't know.
 Q You don't know then anything about Nancy Still or what became of her after you saw her in Lawrence in '64? A No, sir.
 Q All that you know about Paulina being her girl is the representations made to you by other parties? A That is what her father said I don't know; her father said that this was her mother.

Q When did you first see Paulina Turk, give the year? A I seen her in '67.

Q What part of '67? A I saw her on Lightning.

Q What part of '67? A Along the last of August, as near as I can tell.

Q Where were you living at the time you saw Paulina Turk first?

A I was living at Tahlequah, but I went from Tahlequah out to visit my sister, and there is where I seen her at.

Q When did you move out to the Verdigris country? I went out out there in '67 and went back to Tahlequah and just kept going when I got ready, about 20 years ago I moved out there and made me a place

Q You moved to Verdigris about 20 years ago? A Yes, sir.

Q How far did you live from Betay Sanders? A About three miles.

Q Is she any relation of yours? A Yes, sir.

Q When did she move out there? A I couldn't tell you; I really don't know.

Q Was she living out there when you moved out there? A Yes, sir. she was living there when I moved out there.

Q You don't know anything about where she came to after the war?

A To Talequah.

By Mr. Blue:

Q When Cook Still was living about, as you say he did from place to place, where was Nancy Still, his slave? A She was working out; I couldn't tell the very place; she would come to our place at night; she would be working at different places.

Q Was she hired out? A Yes, sir, Mr. Still was a man, he never had really a certain home.

Q Did he keep her hired out all the time? A Yes, sir, and Rube Still went with him.

Q Who was Rube Still? A His nigger, but he went with him.

Q Was that his slave? A Yes, sir, he said it was.

Q Do I understand you that he said on the day before he was killed that this Nancy Still was his nigger? A He said so.

By Mr. Davenport:

Q Did I understand you to answer Col. Blue and tell him that Cook Still kept her hired out before the war? A I know she was working.

Q Do you know of your own knowledge that Cook Still had her hired out when the war began? A He said so, I have got to tell you what he said.

Q Did he tell you that he had Nancy hired out at the time the war began? A He didn't tell me; I heard him tell uncle Ben.

Q Did you hear Cook Still tell anybody that he had Nancy Still hired out at the time the war began? A Yes, sir.

Q Who was it and who was present? A My uncle and me and my sister and several others; I couldn't tell; a girl couldn't remember everything.

Q You seem to remember the words pretty well, very definitely, why can't you remember the parties that were present? A I know what I remember.

Q I will ask you if you don't know that Cook Still sold Nancy before the war began? A No, sir, I never heard it until here lately.

Q Didn't Cook Still have a regular home out from Tahlequah where he lived? A He may have, but he didn't stay there.

Q You were a 12 year old girl at that time? A Yes, sir.

Q And you remember that he was around there all the time? A Here wasn't a week passed that Cook Still wasn't at uncle Ben's at night; he would slip in at night, midnight sometimes.

Q What made him slip in at night before the war began? A He said he was scouting.

Q That was before the war began? A Yes, sir.

Do you know who collected the wages earned by Nancy Still at the time you state she was hired out just before the war? A No, sir, I don't.

ANN JAMES, re-called for additional cross-examination, testified as follows:

By Mr. Davenport:

I believe you said that Betsy Whitmore came back to Tahlequah after the war? A Yes, sir.

Mr. Blue: We object to that for the reason that it don't seem to be competent in any sense.

Commission: Objection noted.

How long did she stay at Tahlequah after the war until she went to Big Creek or Lightning Creek?

Mr. Blue: Objected to as incompetent, immaterial and irrelevant and not cross-examination of any matter brought out, and seeming to be for the purpose of getting testimony in some other case.

Commission: Objection noted; witness will answer.

A Well, Uncle Ben come in '66, and he taken me, I was a girl, to John Jones' at Fort Gibson, and my sister was at Tahlequah, and I couldn't tell where she went or how long she stayed, but I stayed at Jones' at Fort Gibson until '67, in school until the cholera broke out there, and then Mr. Jones went up to Tahlequah and we scattered everywhere, and the last part of '67, I went up to Big Cree to see mother and she was there.

Q You don't know what time of the year '67 she went to Big Creek? A No, sir.

Q Was it in 1867 or 1868 that she went there? A I aint certain, but I think in '66; she was her own woman and I was under age, and I couldn't keep track of the grown ones.

Q Did you go in 1866 or 1867 to Fort Gibson? A '67

Where was Betsy Whitmore living then? A I think, if I aint mistaken, she was gone to Big Creek, if I aint mistaken.

O-O-O-O-O-O-O-O-O-O-O-O-O

H. M. Vance, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof

(Signed) H. M. Vance.

Subscribed and sworn to before me this the 1st day of August, 1904
XXXXXXXXXXXX (Signed) Charles H. Sawyer
X S E A L X Notary Public
XXXXXXXXXXXX

Lucy M. Bowman being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full and correct copy of the original transcript.

Subscribed and sworn to before me this 5th day of August, 1904

Charles H. Sawyer
66 *Charles H. Sawyer*
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JULY 16, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of PAULINA TURK, ET AL., as Cherokee freedmen.

It appears that on June 30, 1904, the applicant, Paulina Turk, her attorney and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on July 16, 1904, and introduce further testimony touching the points mentioned in said letter.

APPEARANCES:

Applicant in person and by attorney, R. W. Blue.
Cherokee Nation by its representative, James S. Davenport.

ANN SANDERS, being first duly sworn, testified as follows on behalf of the applicants:

By the Commission:

Q What is your name? A Ann Sanders.

Q How old are you? A 50 something, don't know exactly.

Q What is your postoffice address? A Hayden.

Q Are you a Cherokee freedman? A Yes, sir.

Q Do you know the applicant in this case, Paulina Turk? A Yes, sir.

Q How long have you known her? A First time I seen her was in along last of August or September, '67, but I knew her mother ever since I was a girl.

Q What was her mother's name? A Nancy Still.

Q Do you know whether or not Nancy Still was the slave of a Cherokee citizen before the war? A Her master said it was his slave.

Q Who did she belong to? A Cook Still.

Q Citizen by blood of the Cherokee Nation? A Yes, sir.

Q Where did he live before the war? A His home was Going Snake; just going about; my mother's sometimes; just first one place and then another; didn't have a certain home.

Q Did Nancy Still belong to him when the war come up? A He said so.

Q You don't know, yourself? A I just know what he said.

Q Where was Nancy living when the war come up? A When we went to Kansas, she was working in Tablequah.

Q Who was she living with? A She was working out.

Q Who for? A For Jess Wolfe; I don't know just exactly.

Q How old is the applicant, Paulina Turk? A I don't know; when I knew Nancy she never had but one child to my knowing and that was a boy.

Q Do you know whether Nancy went out of the Nation during the war?

A Yes, sir, my uncle taken her out.

Q Where to? A Paola, Kansas.

Q Do you know whether or not Paulina Turk has any children? A Yes, sir.

Q Do you know a child of hers by the name of Ada Prophet? A Yes, sir.

Q Is that child living now and living with the applicant? A Yes, sir, she is living; they call her Etta, I suppose it is the same.

Q Do you know Harry Prophet, who is said to have been the father of that child? A Yes, sir.
Q Is he living now? A No, sir.
Q Do you know whether or not he was a citizen of the Cherokee Nation? A I couldn't say; they said he was.
Q You don't know? A I don't know anything only they lived close to me and said he was.
Q Was he a colored man? A Yes, sir.
Q Do you know whether or not this man Harry Prophet ever lived with Paulina Turk? A Yes, sir, he lived with her.
Q For how long a time did they live together? A Something over a year; I don't just remember; they lived in about 2 1/2 miles of me.
Q Do you know whether this child Etta or Ada was born during that time? A She was born soon afterwards.
Q About how long? A I couldn't tell, but she was born afterwards.
Q To the best of your knowledge? A I couldn't just tell, but soon afterwards.
Q A year afterwards? A No, sir, a short time afterwards, after she left him her brother had to take her and take care of her until the child was born; I know she wasn't able to take care of herself.

By Mr. Blue:

Q What did you say was the name of the master of Nancy Still? A Cook Still.
Q Where did you last see him? A The last time I seen Cook Still we were going to Sanders', Ben Sanders' raised me and taken us to Kansas; we were camped at Ray's Mill for several days, and he come down there in the afternoon, and so he told my uncle, he says, "I come to tell you all goodbye," and told him he come down to tell Nancy goodbye and told Ben he wanted him to take good care of Nancy, and says, "She was my nigger and I leat her as a sister," and says, "I am going away and give the rebels hell."
Q Where was Nancy then? A Right there holding the child in her lap.
Q Was that Paulina? A I don't know about Paulina.
Q To whom did Cook Still refer when he said Nancy Still? A He was talking to my uncle and she was sitting there.
Q What was your uncle's name? A Ben Sanders.
Q Do you remember the date of that conversation? A I can't really I was a girl; I think it was in '62 or '63; first of '63 we left home in the Christmas I remember well.
Q Christmas of some year? A I think in '62.
Q Was the war going on? A Yes, sir, the war was going on, because Cook Still, they come in home Christmas morning, the soldiers, and Nancy was at our house.
Q Where was this mill that you speak of? A I couldn't tell you now; up that way somewhere.
Q Was this conversation at the mill? A Camped on a creek.
Q Was that in the Cherokee Nation? A Yes, sir, I think so.
Q He said at that time that she was his nigger and to take good care of her? A Yes, he did, him and several other men.
Q Where did you say Nancy first got with you people? A When we first started at Tahlequah.
Q Did she come to you there? A When I seen her she was there.
Q Was there a good crowd of you starting north then? A Yes, sir, a good many.
Q When did you see Nancy Still there? A The last time, I believe I seen her once afterwards in Lawrence.
Q When was that? A It was, I guess, about in '64, sometime I couldn't really remember.
Q Is she living yet? A They say she is dead.
Q You don't know about that? A No, sir, I guess she is, though.

Q In regard to Harry Prophet, when did you first see him, if you remember? A First seen Harry Prophet, been about 14 or 15 years; before they paid off that Wallace money at Vinita.
Q Where was he residing at the time you first saw him? A I never was at the place; I heard it.
Q Where did you first see him? A At Mr. Hughes.
Q Where was that? A On Lightning Creek.
Q Cherokee Nation? A Yes, sir.
Q Do you know whether or not he was a Cherokee freedman? A No, sir, I couldn't swear it; I have heard it; I don't know.
Q Where did he and Paulina live together? A About 2 1/2 miles from home.
Q From your home? A Yes, sir.
Q Where was that? A On the road to Chelsea; we lived right close to the road as you go to Chelsea from Hayden.
Q About where did you live at that time? A Right where I am now.
Q How far is that from Chelsea? A Right miles.
Q What distance from Hayden? A About two miles.

By Mr. Davenport:

Q In what part of the Cherokee nation do you live? A Hayden, Cooweescoowee.
Q How far do you live from Paulina Turk? A Now?
Q Yes. A I guess it is about four miles.
Q Where were you living when the war broke out and with whom? A I was living right in Tahlequah.
Q With whom? A Ben Sanders.
Q Where was it that you saw Cook Still, when was it with reference to the breaking out of the war? A I seen Cook all the time of the breaking out of the war.
Q How long after the war broke out? A I think it was about '62 or '63, I think so; Uncle Ben said it was '62 when we left it was in Christmas.
Q Don't you know it to be a fact that Cook Still was killed right at the beginning of the war? A He was killed the very night he come to our camp; I can prove it; John Meigs come to our camp with him and that was when he was telling them goodbye; the next day the report come back that Cook Still was killed, and this Nancy Still was crying.
Q Was Nancy Still the mother of Paulina? A That is what they say.
Q You don't know anything about that of your own knowledge? A That is what they say.
Q You were camped then at Ray's Mill? A Yes, sir.
Q Near Cincinnati, Arkansas? A I think so.
Q It was in Arkansas? A I don't know; it was Ray's Mill.
Q How large were you then? A A good big girl.
Q About how old? A About 12.
Q How old was Nancy Still? A I couldn't tell you.
Q Older or younger than you? A She was-a had a baby.
Q She was a grown woman then and you were a girl? A Yes, sir.
Q When did she leave your people? A We went from there to the Neosho and went from there to Fort Scott and then Ben took her to her brother's in Paola, Rube Still, and we went to Lawrence.
Q When did you next see her after you left her at Paola? A I saw her in Lawrence, I think, in '64, not so awful long afterwards.
Q After '64 where did you next see her? A Not until at all.
Q Did she die up about Lawrence somewhere? A I don't know.
Q You don't know then anything about Nancy Still or what became of her after you saw her in Lawrence in '64? A No, sir.
Q All that you know about Paulina being her girl is the representations made to you by other parties? A That is what her father said; I don't know; her father said that this was her mother.

Q When did you first see Paulina Turk, give the year? A I seen her in '67.
Q What part of '67? A I saw her on Lightning.
Q What part of '67? A Along the last of August, as near as I can tell.
Q Where were you living at the time you saw Paulina Turk first? A I was living at Tahlequah, but I went from Tahlequah out to visit my sister, and there is where I seen her at.
Q When did you move out to the Verdigris country? A I went out there in '67 and went back to Tahlequah and just kept going when I got ready, about 20 years ago I moved out there and made me a place.
Q You moved to Verdigris about 20 years ago? A Yes, sir.
Q How far did you live from Betsy Sanders? A About three miles.
Q Is she any relation of yours? A Yes, sir.
Q When did she move out there? A I couldn't tell you; I really don't know.
Q Was she living out there when you moved out there? A Yes, sir, she was living there when I moved out there.
Q You don't know anything about where she came to after the war?
A To Tahlequah.

By Mr. Blue:

Q When Cook Still was living about, as you say he did from place to place, where was Nancy Still, his slave? A She was working out; I couldn't tell the very place; she would come to our place at night; she would be working at different places.
Q Was she hired out? A Yes, sir, Mr. Still was a man, he never had really a certain home.
Q Did he keep her hired out all the time? A Yes, sir, and Rube Still went with him.
Q Who was Rube Still? A His nigger, but he went with him.
Q Was that his slave? A Yes, sir, he said it was.
Q Do I understand you that he said on the day before he was killed that this Nancy Still was his nigger? A He said so.

By Mr. Davenport:

Q Did I understand you to answer Col. Blue and tell him that Cook Still kept her hired out before the war? A I know she was working.
Q Do you know of your own knowledge that Cook Still had her hired out when the war began? A He said so, I have got to tell you what he said.
Q Did he tell you that he had Nancy hired out at the time the war began? A He didn't tell me; I heard him tell Uncle Ben.
Q Did you hear Cook Still tell anybody that he had Nancy Still hired out at the time the war began? A Yes, sir.
Q Who was it and who was present? A My uncle and me and my sister and several others; I couldn't tell, a girl couldn't remember everything.
Q You seem to remember the words pretty well, very definitely, why can't you remember the parties that were present? A I know what I remember.
Q I will ask you if you don't know that Cook Still sold Nancy before the war began? A No, sir, I never heard it until here lately.
Q Didn't Cook Still have a regular home out from Tahlequah where he lived? A He may have, but he didn't stay there.
Q You were a 12 year old girl at that time? A Yes, sir.
Q And you remember that he was around there all the time? A There wasn't a week passed that Cook Still wasn't at Uncle Ben's at night; he would slip in at night, midnight sometimes.
Q What made him slip in at night before the war began? A He said he was scouting.
Q That was before the war began? A Yes, sir.

By the Commission:

Q Do you know who collected the wages earned by Nancy Still at the time you state she was hired out just before the war? A No, sir, I don't.

FRANK ROSS, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Frank Ross.
Q How old are you? A About 57.
Q What is your postoffice address? A Hayden.
Q You are a Cherokee freedman? A Yes, sir.
Q Do you know the applicant in this case, Paulina Turk? A Yes, sir.
Q Did you know her mother? A No, sir.
Q You never knew her mother? A No, sir.
Q Do you know Paulina Turk's children? A Yes, sir.
Q Has she one by the name of Etta or Ada Prophet? A Etta, yes, sir.
Q Do you know anything about who is the father of that child?
A Harry Prophet claimed to be the father.
Q How old is that child? A About 10 or 11 years old.
Q Were you living in the neighborhood of Paulina Turk about the time of the child's birth? A Yes, sir.
Q Was she living with any man at that time? A Harry Prophet.
Q How long had she been living with him? A About a year, I guess.
Q About how old is that child now? A About 10 or 11 years old.

By Mr. Blue:

Q How long did you know Harry Prophet? A About 12 years, I guess.
Q Who was his father and mother, if you know. A His mother was named Betsy; I don't know his father.
Q Was she a slave of a Cherokee freedman at the commencement of the war? A Yes, sir.
Q Whose slave was she at the commencement of the war? A A man by the name of Joe Grimmett.
Q Was he a recognized Cherokee Indian? A Yes, sir.
Q What did you say her name was? A Betsy.
Q Betsy Prophet? A Yes, sir.
Q Did she go by any other name that you know of? A Not as I know of after the war.
Q Do you know whether Harry Prophet is alive or not? A No, sir, he is dead.
Q When did he die? A I don't know exactly when he did die.
Q Do you know whether his mother is living yet or not? A No, sir, she is dead.
Q When did she die, if you know? A Must have been eight or nine years ago; I guess.
Q Do you know whether she was entolled or not? A I don't know.
Q Do you know whether Harry Prophet was on any roll or not? A No, sir, I don't know.

By Mr. Davenport:

Q You don't know anything about Paulina or her mother, who they were? A No, sir.
Q All you know is you knew Harry Prophet since the war? A Yes, sir.
Q You didn't know him before the war? A He wasn't born before the war.
Q Did you know his mother before the war? A Yes, sir.
Q To whom did she belong? A Joe Martin.
Q Where did Joe Martin live before the war? A Up on Grand river, place called Greenbriar.

Q Do you know where Betsy went during the war? A No, sir.
Q She went out of the country, didn't she? A I suppose so.

By the Commission:

Q Do you know when Betsy first returned to the Cherokee Nation after the war? A No, sir.
Q Did Harry Prophet have any brothers or sisters that you know of? A I think he had some sisters and brothers.
Q Are any of them living now? A I couldn't tell you; I haven't seen any of them in a good while.

By Mr. Davenport:

Q Do you know where Betsy went to during the war? A No, sir.
Q How long ago was it since she returned? A I don't know.
Q You saw her after she came back? A Yes, sir.
Q When did you first see her? A About 15 years ago.

By Mr. Blue:

Q Mr. Ross, do you know in what district Harry Prophet and his mother lived at the time of the taking of the wallace roll? A No, sir, I don't.
Q Where did they live at that time? A I don't know, sir, I couldn't say.
Q Do you know where Harry lived at that time? A No, sir, they were in Cooweescoowee district when they died.
Q When she died? A Yes, sir.

By the Commission:

Q Where was Harry living at the time he was living with this applicant? A In Cooweescoowee district on Lightning Creek.
Q About how many years ago was that? A About ten years ago.
Q How long had you known him before that time? A Two or three years before that.

Q All the time you knew him was he living up there in Cooweescoowee district? A Yes, sir.
Q Do you remember the names of any other children that this Betsy Prophet had? A No, sir, I didn't go about them much. I got acquainted with Harry, because he stayed around on Lightning Creek a good deal is how come me to get acquainted with him.

By Mr. Blue:

Q Do you remember anything about Betsy having a daughter by the name of Zora Prophet? A No, sir, I don't remember it.
Q Do you remember anything about her having a daughter that died about the same time she did? A I heard them say she had a daughter that died, but I never did see her that I know of.

Commission: The Wallace roll of Cherokee freedmen examined and the names of Betsy Prophet, Harry Prophet and Megora Prophet are found thereon in Cooweescoowee district, on page 133, opposite Nos. 2783, 2786, and 2785, respectively, together with the word "Dead" marked opposite each of said names.

By Mr. Davenport:

Q Do you know anything about the citizenship of Harry Prophet? A Yes, sir, by his mother being a citizen he claimed it.
Q Do you know of your own knowledge that his mother was a freedman? A She belonged to Joe Martin; I know that.
Q Don't you know that she went away during the war and never did return until about 15 years ago? A I don't know when she returned; that is when I saw her, about 15 years ago.
Q You lived in that country all the time? A Yes, sir.

Q You had known Betsy Martin, or Prophet, before the war? A Yes, sir.
Q You were back and forth among the freedmen and you never saw or heard of her being in the Cherokee nation until about 15 years ago?
A That is when I first saw her.
Q When you first saw her in what section of the Cherokee Nation did you see her? A Up there above Chelsea on Panther creek.
Q Did you ever talk with her about where she went during the war?
A No, sir.
Q Did you ever talk with her about where she and Prophet were married? A No, sir.
Q Did you ever hear her say? A No, sir, I never heard her say.
Q Did you ever hear her say where she went during the war? A No, sir.
Q Was Harry Prophet living with her when you saw her there about 15 years ago, on Lightning Creek? A Yes, sir.
Q About how old was he? A I couldn't say.
Q Was he a grown man? A A young man.

By the Commission:

The 1880, 1896, the Kern-Clifton roll of 1897 and the 1893 roll of Cherokee freedmen in possession of this commission examined, and neither the name of Betsy Prophet nor Harry Prophet is identified thereon.

GEORGE WEST VANN, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A George West Vann.
Q How old are you? A 53.
Q What is your postoffice address? A Lenapah.
Q What district do you live in? A Cooweescowee.
Q You are a Cherokee freedman? A Yes, sir.
Q Do you know the applicant in this case, Paulina Turk? A Yes, sir.
Q Did you know her mother? A Yes, sir.
Q What was her name? A Nancy Still.
Q When did you first get acquainted with Nancy? A I have known her ever since I could recollect anything.
Q Was she a slave of a Cherokee citizen before the war? A Yes, sir, she always claimed to belong to Cook Still.

Mr. Davenport: We object to what she claimed.

Commission: Objection noted.

Q Do you know whether or not Nancy Still was the slave of a Cherokee citizen before the war of your own knowledge? A I don't know only what I heard.
Q Then you don't know of your own knowledge? A She belonged to a Cherokee citizen.
Q How do you know? A All the way we know is by what we hear.
Q Where was she living at the beginning of the war? A I don't know in time of the war she was living with the Army, Ray's Mill.
Q Where was she living when you first got acquainted with her?
A When I first got acquainted with her she was hired out.
Q Where was she living? A She was staying at that time on Grand river, close to the mouth of Spring creek, at old man George Still's.
Q In the Cherokee Nation? A Yes, sir.
Q Did you ever know her to live at the house of Cook Still? A Cook Still was a man running around everywhere.
Q Can't you answer yes or no? A Yes, sir.
Q Where did Cook Still live? A At Fort Gibson.

Q Can you state when it was he lived at port Gibson? A It was before the war.

Q About how long before the war? A I don't know.

Q Was this woman, Nancy, living there at his house at that time?

A I seed her there at his house, yes, sir.

By Mr. Blue: ~~No-cross-exam~~ I believe that covers the ground.

By Mr. Davenport:

Q How old were you, George, when the war broke out? A Between 10 and 12 years old.

Q How far did you live from Cook Still? A It must have been about 35 or 40 miles.

Q Was there any means of travelling except by land from where you lived in going to Cook Still's place? A No, sir, just travelled by land.

Q You were at Port Gibson before the war and saw Cook Still living there? A Yes, sir.

Q What year was it you were at Port Gibson and saw Nancy Still living with Cook Still? A It was before the war; I don't know the year.

Q How long before the war? A Not long.

Q Was it a week or a year? A A year, I guess.

Q Do you know where Cook was living when the war broke out? A No, sir, I don't know; he was around everywhere.

Q Do you know where Nancy Still was living when the war broke out? A I don't know.

Q Do you know where she was living when the war closed? A No, sir.

Q Do you know who her owner was when the war broke out? A Cook Still.

Q How do you know it if you don't know where either she or Cook Still was living when the war broke out? A The way we always know is what we see and hear is as far as I can go, but for me to know that he bought her and raised her, I don't know; I belonged to the Vanns and it went all over the country that we belonged to such and such a person is all the way I know.

Q Where did Cook Still go when the war broke out? A He was a scout; he was everywhere.

Q Where did he go after the war closed? A He got killed time of the war.

Q When did you say you first got acquainted with the applicant here, Paulina Turk? A I got acquainted with her in '67.

Q Do you know where she was born? A No, sir.

Q Do you know where she was raised? A No, sir.

Q How old was she? A Just a little girl.

Q Who was with her when you first saw her? A She was with her uncle Ben Sanders when I first saw her.

Q Where was that? A At Tahlequah.

PAULINA TURK, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Paulina ~~Frank~~ Turk.

Q How old are you? A Must be about 39, I guess.

Q You are the applicant in this case? A Yes, sir.

By Mr. Blue:

Q Whom are you seeking to enroll? A My little girl.

Q Anyone else? A Myself.

Q Whose child is Etta, sometimes called Ada, Prophet? A Harry Prophet's.

Q Who was your mother? A Nancy Still.
Q The Nancy Still about whom Mrs. Sanders and George Vann have just testified? A Yes, sir.

By Mr. Davenport:

Q Where were you born, Paulina? A I was born in Kansas.
Q What place? A I don't know; I was only about a year old up in there.
Q How old are you now? A About 39.
Q Where were you living when you can first remember? A When I can first remember I was living with my uncle Reuben Still.
Q Where was your mother living at that time? A I don't know where she was living.
Q Did your mother die when you were an infant? A Yes, sir, I was about a year old, maybe a little older, I don't know.
Q Where was Rube Still living when you can remember? A I disremember just what place, but it was in the Nation here; I was so small.
Q You remember the first time you can remember Rube Still living anywhere? A Yes, sir.
Q Where was that? A It must have been; I really don't know just what place they did call it; I was so small.
Q Is Rube still living? A No, sir, he is dead.
Q When did he die? A He has been dead between 15 and 16 years, as near as I can remember.
Q Where was he living at the time of his death? A He was living up there on Lightning Creek by Alluwe.
Q Can you remember when you lived in Kansas, at all? A No, sir, when I can first remember I was here.
Q When did you first meet Harry Prophet? A Up in Cooweescoowee district.
Q Did you not know him in Kansas? A No, sir.
Q He came from Kansas, didn't he? A I don't know.
Q Didn't you ever hear him say? A No, sir.
Q You don't know where he had lived prior to the time you met him? A No, sir.
Q You don't know anything about where he was raised? A No, sir, I just got acquainted with him there.
Q You know nothing about his mother? A Yes, sir, I know his mother.
Q When did you get acquainted with her? A About the same time I got acquainted with him; they all lived there near us.
Q Were they living there when you can first remember or did they come there? A They come there.
Q Did you ever hear his mother say where she came from when she moved into that neighborhood? A No, sir.
Q His mother was named Betay? A Betay Martin; they say Joe Martin was her owner.
Q You don't know anything about that? A No, sir.
Q You never heard either Harry or his mother say where they moved from when they moved on Panther Creek, in Cooweescoowee district? A No, sir.
Q How far from you did they locate when they moved in there? A Must be about five or six miles from where I live.
Q And that was about how many years ago they moved there? A About 15 or 16 years ago.
Q You didn't get acquainted with him until he and his mother moved over on Panther Creek? A No, sir.

By Mr. Blue:

Q About how old is Etta or Ada Prophet? A 11 years old the 23rd of last June.

Q You say you were brought here when you were about a year old and have been here ever since, what do you mean by "here?" A Back home to the Territory.

Q You mean in the Creek country or Cherokee country? A Cherokee country.

Q You mean you were brought to the Cherokee nation and been there ever since? A Yes, sir, I don't know nothing but the Cherokee country.

By the Commission:

Q Is Etta alive and living with you now? A Yes, sir.

Q Has she lived with you ever since her birth? A Yes, sir.

ANN SANDERS, re-called for additional cross-examination, testified as follows:

By Mr. Davenport:

Q I believe you said Betsy Whitmire came back to Tahlequah after the war? A Yes, sir.

Mr. Blue: We object to that, for the reason that it don't seem to be competent in any sense.

Commission: Objection noted.

Q How long did she stay at Tahlequah after the war until she went to Big Creek or Lightning Creek?

Mr. Blue: Objected to as incompetent, immaterial and irrelevant and not cross-examination of any matter brought out, and seeming to be for the purpose of getting testimony in some other case.

Commission: Objection noted; witness will answer.

A Well, Uncle Ben come in '66, and he taken me, I was a girl, to John Jones' at Fort Gibson, and my sister was at Tahlequah, and I couldn't tell where she went or how long she stayed, but I stayed at Jones' at Fort Gibson until '67, in school until the cholera broke out there, and then Mr. Jones went up to Tahlequah and we scattered everywhere, and the last part of '67, I went up to Big Creek to see mother and she was there.

Q You don't know what time of the year '67 she went to Big Creek?

A No, sir.

Q Was it in 1867 or 1866 that she went there? A I aint certain, but I think in '66; she was her own woman and I was under age, and I couldn't keep track of the grown ones.

Q Did you go in 1866 or 1867 to Fort Gibson? A '67.

Q Where was Betsy Whitmire living then? A I think, if I aint mistaken, she was gone to Big Creek, if I aint mistaken.

O-O-O-O-O-O-O-O

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 1st day of August, 1904.

Charles H. Sawyer
Notary public.

47m

Cherokee Freedman D 565

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Paulina Turk et al., as Cherokee Freedmen.

-:-

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That on June 7, 1901, Paulina Turk appeared before the Commission to the Five Civilized Tribes at Chelsea, Indian Territory, and made application for the enrollment of herself and minor child, Etta Prophet, as Cherokee freedmen. Further proceedings in the matter of said application were had on September 23, 1901, at Fort Gibson, Indian Territory, on September 24, 1903, at Vinita, Indian Territory, and on July 16, 1904, at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants herein claim the right to enrollment as Cherokee freedmen as descendants of Nancy Still, deceased, who, it is alleged, complied with the treaty stipulations of 1866, and that the minor applicant also claims the right to enrollment as a descendant of her father, Harry Prophet, deceased, whose mother, Betsy Prophet, nee Martin, deceased, it is alleged, complied with the said treaty stipulations of 1866.

The following points are fully established by the evidence:

- (1) That the principal applicant, Paulina Turk, was born since the commencement of the rebellion, and is the daughter of Charley Stewart, deceased, a non-citizen of the Cherokee Nation, and Nancy Still, deceased, who at one time prior to the commencement of the rebellion was the slave of a Cherokee citizen, was taken from the Cherokee Nation during said rebellion and later returned thereto.

(2) That one Harry Prophet, deceased, was born since the commencement of the rebellion, and was the son of Prophet, a non-citizen of the Cherokee Nation, and Betsey Prophet, nee Martin, deceased, who at the commencement of the rebellion was the slave of a Cherokee citizen.

(3) That the minor applicant, Etta Prophet, is the daughter of the principal applicant, Paulina Turk, and the said Harry Prophet, deceased, was born since 1890, and has continuously lived with her mother since birth.

(4) That the applicants herein possess no rights to enrollment as Cherokee freedmen other than as lineal descendants of the said Nancy Still, deceased, and the said Betsey Prophet, nee Martin, deceased, and that any rights to Cherokee citizenship acquired as such descendants have not since been forfeited.

Excepting the Wallace and Vern-Clifton rolls, neither the applicants herein, nor any ancestor through whom by any possibility said applicants might obtain rights to Cherokee freedman citizenship, can be identified on any roll of the Cherokee Nation in the possession of this office.

In view of the foregoing it is considered that in order to properly adjudicate the applicants' rights to enrollment as Cherokee freedmen, the primary question presented for determination is:

Did Nancy Still, deceased, and Betsey Prophet, nee Martin, deceased, comply with the provisions of Article IX of the Treaty of 1866?

In re Nancy Still:

HARRY STILL, witness for applicants, appeared before the Commission on June 7, 1901, at Chelsea, Indian Territory, and testified, in part, as follows: I am 54 years old; my post-office is Hayden, and I have lived in the Cherokee Nation all my life. I was acquainted with Nancy Still, she was the slave of Cook Still, a recognized citizen of the Cherokee Nation.

ETTESY WHITMIRE, witness for applicants, same date and place, testified as follows: I am about 56 years old, my post-office is Hayden, Cooweescoowee District, and, except during the war, I have lived in the Cherokee Nation all my life. I know Nancy Still, and always heard her say that she belonged to Cook Still when the war came on. I knew Cook Still. I lived about thirty-five or forty miles from him before the war, and know that

he claimed he owned Nancy Still. Her master, Cook Still, always kept Nancy hired out.

EDWARD STILL, witness for Cherokee Nation, appeared before the Commission on September 23, 1901, at Fort Gibson, Indian Territory, and testified as follows: "I am 56 years old the 25th day of this next October coming". My postoffice is Tahlequah. My father's name was Cook Still, he was killed during the war. My father at one time owned a negro woman named Nancy, and a negro man named Rube; six or seven years before the war my father and Uncle George Still took Nancy and Rube Still to Fort Smith and sold them to a man who removed them to Mississippi. Nancy later returned to the Cherokee Nation, and was living on Grand River when the war came up. My father owned no slaves at the commencement of the rebellion. "I remember when my father and Uncle George started to Fort Smith with her (Nancy Still), and I recollect that very well because us children all cried for her."

JOE DOWNING, witness for Cherokee Nation, same date and place, testified as follows: I am a Cherokee citizen by blood and am 54 or 55 years old. I knew the witness, Edward Still's father and mother before the war. I also knew a slave they at one time owned, named Nancy. My folks said that Nancy and a fellow named Rube were taken to Fort Smith and sold. I never saw Nancy after she was taken to Fort Smith. Rube later returned to the Cherokee Nation, and after his return he told me that they had been sold. Cook Still owned no slaves when the war broke out.

In connection with the testimony of the two witnesses last above named, attention is called to a decree of the Commission on Cherokee citizenship (Daniels Court) rendered on June 7, 1871, denying the said Rube Still the right to Cherokee freedman citizenship, because of the fact that he was sold out of the Cherokee Nation prior to the rebellion. A certified copy of said decree is filed herewith and made a part of the record herein.

ALLEN SANDERS, witness for applicants, appeared before the Commission on July 16, 1904, at Muskogee, Indian Territory, and testified, in part, as follows: I am 50 odd years old and my postoffice is Hayden. I knew Paulina Turk's mother, Nancy Still, before the war. She belonged to Cook Still and I have heard him say that she was his slave. When the war came up Nancy Still was working out, and I think at that time she was working for Jess Wolfe at Tahlequah. In reply to the question "Where did you last see him (Cook Still)?" this witness answered: "The last time I seen Cook Still we were going to Sanders'. Ben Sanders raised me and taken us to Kansas. We were camped at Ray's Mill for several days, and he came down there in the afternoon and he told my uncle, he says, 'I come to tell you all goodbye', and told him he come down to tell Nancy goodbye, and told Ben he wanted him to take good care of Nancy, and says 'She's my nigger, and I leave her as a sister'." I think this was in '62 or '63.

Cook Still always kept Nancy hired out, and I heard him tell Uncle Ben he had Nancy hired out when the war begun. I was about twelve years old when the war commenced. I never heard till to-day that Cook Still sold Nancy prior to the commencement of the rebellion.

GEORGE WEST VANN, witness for applicants, same date and place, testified as follows: I am 53 years old, and my postoffice is Lenapah, Cooweescoowee District. I knew Nancy Still, the mother of the applicant, Paulina Turk. She always claimed to be, and I heard that she was the slave of Cook Still before the war, but "I don't know only what I heard." When I first got acquainted with Nancy Still she was hired out. I was between ten and twelve years old when the war broke out, and lived about thirty-five or forty miles from Cook Still.

In re Betsy Martin:

ALLEN LYNCH, witness for applicants, appeared before the Commission on September 4, 1903, at Vinita, Indian Territory, and testified as follows: I am 63 years old and my postoffice is Vinita, Indian Territory. I knew Harry Prophet, deceased, father of the applicant Etta Prophet, I became acquainted with him when they moved down on Pryor Creek about ten or fifteen years ago. I knew his mother, Betsy Martin, before the war, but don't know when she returned to the Cherokee Nation after the close of said war.

FRED MARTIN, witness for applicants, same date and place, testified as follows: I am about 48 years old and my postoffice is Warren, Cooweescoowee District. I knew Harry Prophet, deceased, and first became acquainted with him about twelve or thirteen years ago. Also knew his mother, Betsy Martin, deceased, she was my aunt, my father's sister. I knew Betsy Martin before the war, but never saw or heard of her being in the Cherokee Nation after the war till about fifteen years ago.

PAULINA TURK, applicant, same date and place, testified as follows: I must be about 39 years old. My mother, Nancy Still, died when I was about one year old. When I can first remember I was living in the Cherokee Nation with my uncle, Reuben Still. I first met my former husband, Harry Prophet, deceased, and his father and mother, when they moved to Cooweescoowee District, Cherokee Nation about fifteen years ago. I don't know where they came from there.

In connection with the foregoing testimony relative to the ownership of Nancy Still prior to the commencement of the rebellion, attention is called to the following points:

All the witnesses who testify that Cook Still owned Nancy Still at the commencement of the rebellion are testifying to matters they knew only by hearsay, and it is not unreasonable to presume that they had no other means of information when it is remembered that at the commencement of the rebellion they were slave children ranging in age from ten to fifteen years, and were neither the slaves of Cook Still nor relatives of Nancy Still. It is also worthy of notice that these witnesses, with one accord, testify that from their earliest recollection, Nancy Still never lived with Cook Still, but was always "hired out".

On the other hand, Edward Still, son of Cook Still, and Joe Downing, testify that, at the commencement of the rebellion, Cook Still owned no slaves; that at one time he owned Nancy Still, but several years prior to the commencement of the rebellion sold her and her brother, Reuben Still, to a non-citizen of the Cherokee Nation, and the sale of Nancy was impressed on the mind of Edward Still, son of Nancy's owner, by reason of feelings, not at all unnatural, which would have a tendency to ever make this event a vivid one in his memory. The testimony of these two witnesses is highly corroborated by the decree of the Daniels Court above referred to.

It is not affirmatively shown that Betsy Martin, deceased, left the Cherokee Nation during the rebellion, but from the testimony it is easily inferred that she did. All the witnesses introduced to show that she complied with the treaty provisions of 1866, among others, her nephew, testify that they do not know when she returned to the Cherokee Nation after the war, and one witness testifies that he supposes she left the Cherokee Nation during said war. Several of these witnesses testified that they knew Betsy Martin before the rebellion, and first saw her after the close of said rebellion when she, with her family, moved to Cooweescoowee District, Cherokee Nation, about the time of the Wallace payment, but none know her whereabouts during the interval between the commencement of the rebellion and the date of her removal to Cooweescoowee District, Cherokee Nation, as above indicated.

FINDINGS OF FACT AND CONCLUSION: It is considered that after ample opportunity having been afforded, applicants herein have failed to establish by satisfactory evidence that either Nancy Still, deceased, or Betsy Prophet, nee Martin, deceased, complied with the provisions of Article IX of the Treaty of 1866, relative to Cherokee Freedmen, consequently their applications come within the rulings of the Department in the cases of Eliza Bryant et al., (I.T.D. 544-04), William Rector (I.T.D. 1462-04), Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), Ed Williams (I.T.D. 4250-04) and Moses Ross (I.T.D. 6058-04); and it is further considered that said applicants herein possess no rights to enrollment as Cherokee Freedmen other than

as descendants of the said Nancy Still, deceased, and the said Betsy Prophet, nee Martin, deceased.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of section twenty-one of the Act of Congress approved June 28, 1896 (30 Stat., 495), Paulina Turk and Etta Prophet are not entitled to enrollment as Cherokee freedmen, and their application for enrollment as such is accordingly denied.



COMMISSIONER

Dated at Muskogee, Indian Territory,

this 22nd 1905

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 21st, 1901.

Received of the Commission to the Five Civilized Tribes,
one copy of the original testimony of June 7th, 1901, in the
matter of the application of Paulina Turk et al for enrollment
as Freedmen of the Cherokee Nation.

91710 McClellan

Attorney for Applicant.

Cherokee F. #D585.

5

INDIAN TERRITORY,
CHICKASAW NATION.

Thereby certify that I serve with
[redacted]

by deposing and swearing to the

day of [redacted] A.D. 1901

GIVEN UNDER MY HAND, this

day of [redacted] A.D. 1901

Marshal of Chickasaw Nation

I, the undersigned, do hereby certify
within stated appointment, to depose
serve with [redacted] with the
day of [redacted] P 1, 1901

Attorney for applicant.

UNITED STATES OF AMERICA
INDIAN TERRITORY,
CHICKASAW DISTRICT.

I do solemnly swear that I have read
the deposition, and believe it to be

true. day of [redacted] A.D. 1901

Subscribed and sworn to before me
this [redacted] day of [redacted] A.D. 1901

NOTICE!

IN THE MATTER OF The application of Pauline Turk
for enrollment as a Cherokee Freedman:

Case No. F. D. 865

To Pauline Turk or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 25d at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 14th day of Sept. 1901.

M. W. H. H. H.

Attorneys for the Cherokee Nation.

Cherokee Freedmen
D-565.

Muskogee, Indian Territory, September 11, 1903.

Paulina Turk,
Hayden, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and child, Etta Prophet, as Cherokee Freedmen, you are hereby advised that further testimony is required tending to show the right of Harry Prophet, father of Etta Prophet, to enrollment as a Cherokee Freedman.

You are further advised that the Commission will be at Vinita, Indian Territory, on Thursday, September 24, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-5-5.

Muskogee, Indian Territory, September 11, 1903.

Edgar Smith,

Attorney for Paulina Turk,
Vinita, Indian Territory.

Dear Sir:

In the matter of the application of Paulina Turk for the enrollment of herself and child, Etta Prophet, as Cherokee Freedmen, you are hereby advised that further testimony is required tending to show the right of Harry Prophet, father of said Etta Prophet, to enrollment as a Cherokee Freedman.

You are further advised that the Commission will be at Vinita, Indian Territory, on Thursday, September 24, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

Paulina Turk

Cher. F. D-565.

Muskogee, Indian Territory, June 10, 1904.

Paulina Turk,

Hayden, Indian Territory.

Dear Madam:

In the matter of your application, for the enrollment of yourself and minor child as Cherokee Freedmen, you are advised that before the Commission can render a final decision, in this case, it will be necessary that further testimony be introduced tending to show that your mother, Nancy Still, was the slave of a recognized Cherokee citizen at the commencement of the War of the Rebellion; also further testimony tending to show whether or not Harry Prophet, the alleged father of your minor child, Ada Prophet, was a Cherokee Freedman.

You are, therefore, hereby directed to appear before the Commission, at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, June 28, 1904, and introduce testimony as above indicated.

Respectfully,

Chairman.

Cher. F. D-568.

Muskogee, Indian Territory, June 19, 1904.

Edgar Smith,

Attorney for Paulina Turk et al.,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application of Paulina Turk et al., for enrollment as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not Nancy Still, the principal applicant's mother, was a slave of a recognized Cherokee citizen at the commencement of the War of the Rebellion; also further testimony as to whether or not Harry Prophet, the alleged father of the principal applicant's minor child, Ada Prophet, was a Cherokee Freedman.

The applicant has, therefore, this day, been directed to appear before the Commission, at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, June 20, 1904, and introduce testimony as above indicated.

Respectfully,

Chairman.

Cher. F. D-865.

Muskogee, Indian Territory, June 10, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Paulina Turk et al., for enrollment as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not Nancy Still, the principal applicant's mother, was a slave of a recognized Cherokee citizen at the commencement of the War of the Rebellion; also further testimony as to whether or not Harry Prophet, the alleged father of the principal applicant's minor child, Ada Prophet, was a Cherokee Freedman.

The applicant has, therefore, this day, been directed to appear before the Commission, at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, June 28, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on said date and introduce such testimony as it may desire.

Respectfully,

Chairman.

~~Commissioner in Charge.~~
Cherokee Freedmen

D-565.

Muskogee, Indian Territory, June 30, 1904.

Paulina Turk,

Hayden, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and child as Cherokee freedmen, you are again advised that before the Commission can render a final decision in this case it will be necessary for further testimony to be introduced tending to show that your mother, Nancy Still, was a slave of a Cherokee citizen at the commencing of the war of the rebellion; also further testimony tending to show whether or not Harry Prophet, the alleged father of your minor child, Ada Prophet, was a Cherokee freedman and entitled to enrollment as such.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Saturday, July 16, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-565.

Muskogee, Indian Territory, June 30, 1904.

Blue & Clover,

Attorneys for Paulina Turk,
Vinita, Indian Territory.

Gentlemen:

In the matter of the application of Paulina Turk for the enrollment of herself and child as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced, tending to show that the principal applicant's mother, Nancy Still, was a slave of a Cherokee citizen at the commencement of the war of the rebellion; also further testimony tending to show whether or not Harry Prophet, the alleged father of the principal applicant's minor child, Ada Prophet, was a Cherokee freedman and entitled to enrollment as such.

The principal applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Saturday, July 16, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-565.

Muskogee, Indian Territory, June 30, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Paulina Turk et al, for enrollment as Cherokee freedmen, which case was set for hearing before the Commission at Muskogee, on June 28, you are advised that the applicant, having failed to appear, this case is again set for hearing before the Commission at Muskogee, at nine o'clock A. M. on Saturday, July 16, 1904, and the principal applicant has this day been directed to appear on that date and introduce testimony in accordance with the Commission's notice heretofore furnished her.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire, in rebuttal of that offered by the applicant.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-444-445-565-598.

Muskogee, Indian Territory, August 3, 1904.

Blue & Clover,

Vinita, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of July 20, stating that you desire to file a brief in Cherokee Freedmen D-598, Peggy Hickey; Cherokee Freedmen D-444-445, John Bolin; Cherokee Freedmen D-565, Paulina Turk, and ask that you be furnished with a copy of the record in these cases.

There are accordingly herewith inclosed copies of supplemental testimony of July 11, 1904, in Cherokee Freedmen D-565, Paulina Turk, et al., and of supplemental testimony of June 18, 1904, in Cherokee Freedmen D-444-445, John Bolin, et al. The Commission's records show that the applicant, Peggy Hickey, has heretofore been furnished with a copy of the original record in her application for enrollment, and there is on file in that case, a receipt from your firm dated Jul. 8, for a copy of the supplemental record. In the case of Paulina Turk, et al., it appears that Edgar Smith Vinita, Indian Territory, has heretofore been furnished with a copy of the record had in the original application, and in John Bolin, et al., the appli-

-2-

cards have been furnished with the original records in their case.

Respectfully,

enc. 8-1.

Commissioner in Charge.

Cherokee Freedmen

D-565.

COPY.

Muskogee, Indian Territory, July 27, 1905.

Well, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed, herewith, a copy of a certified copy of the record of proceedings had before the Commission on Cherokee Citizenship (Daniels Court), which has been filed in Cherokee Freedmen Doubtful case, No. 565, Paulina Turk, et al.

Respectfully,

(SIGNED).

James Dixey

Commissioner.

Incl. S-21

C. H. ...

D-563.

COPY

Yuskogee, Indian Territory, July 27, 1905.

Blue S. D. ...

Attorneys for Paulina Turk, et al.,

Vinita, Indian Territory.

Gentlemen:

There is inclosed, herewith, a copy of a certified copy of the record of proceedings had before the Commission on Cherokee Citizenship (Daniels Court), which has been filed in Cherokee Freedmen Doubtful case No. 565, Paulina Turk, et al., to, either with a receipt for same which you are requested to sign and return to this office.

Respectfully,

ONE
Jane Kirby
Commissioner.

Incl. S-22

Muskogee, Indian Territory, October 5, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Pauline Turk, et al., including the Commissioner's decision dated October 3, 1905, rejecting said application.

Respectfully,

Wm. J. [unclear]
Commissioner.

Incl. S-27

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen

D-565.

Muskogee, Indian Territory, October 5, 1905.

Paulina Turk,

Hayden, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 5, 1905, rejecting your application for the enrollment of yourself and minor child, Etta Prophet, as Cherokee freedmen. There has heretofore been furnished your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED:

Tame Kirby

Commissioner.

Incl. 2-24
Register

Cherokee Freedmen

D-565.

Muskogee, Indian Territory, October 5, 1905.

Blue & Bulger,

Attorneys for Paulina Turk, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 5, 1905, rejecting the application for the enrollment of Paulina Turk, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

WES

Tamm Lister
Commissioner.

Incl. 3-25
Register

Cherokee Freedmen

D-565.

Muskogee, Indian Territory, October 5, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 5, 1905, rejecting the application for the enrollment of Paulina Turk, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

Incl. S-26

Refer in reply
to the following:
Land.
81040-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

-Copy-

Nov. 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 5, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Paulina Turk for herself and her minor child, Etta Prophet. October 5, 1905, the Commissioner decided adversely to the applicants.

The record shows that the applicants claim right to enrollment as descendants of Nancy Still, who is alleged to have complied with the treaty stipulations of 1866, and that the minor applicant also claims right to enrollment as a descendant of her father, Harry Prophet, deceased, whose mother, Betsey Prophet, born Martin, deceased, it is alleged, complied with the treaty stipulations of 1866.

The evidence shows that Paulina Turk was born since the beginning of the war of the rebellion, and is the daughter of Charley Stewart, deceased, a non-citizen of the Cherokee Nation, and Nancy Still, deceased, who at one time prior to the beginning of the war, was the slave of a Cherokee citizen, was taken from the Cherokee Nation during the war and later returned thereto. It is also shown by the evidence that one Harry Prophet, deceased, was born since the beginning of the war of the rebel-

lion, and was the son of --- Prophet, a non-citizen of the Cherokee Nation, and Betsy Prophet, born Martin, deceased, who at the beginning of the war of the rebellion was the slave of a Cherokee citizen; that the minor applicant is the daughter of Paulina Turk and Harry Prophet, deceased, was born since 1890 and has continuously lived with her mother since birth; that the applicants possess no rights to enrollment as Cherokee Freedmen other than as descendants of Nancy Still and Betsy Prophet. The applicants are identified on the Wallace and Kern-Clifton rolls, but upon no other, nor can any ancestor be identified on any Cherokee roll.

After ample opportunity afforded, the applicants have failed to establish that either Nancy Still or Betsy Prophet ever complied with the provisions of Article 9, of the treaty of 1866 relative to Cherokee Freedmen.

In view of the record and of the rulings of the Department in the case of William Rector (I.T.D. 1468 - 04) and Moses Ross (I.T.D. 6056 - 04), the approval of the Commissioner's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee

Actg. Commissioner.

M.H.W. - NL.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y.P.
FHE. .

I.T.D. 14942-1905.
8405- "

March 23, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department has considered the Cherokee freedman case of Paulina Turk and her minor child, Etta Prophet.

The Indian Office, in letter of November 11, 1905, recommended that your decision of October 5, 1905, adverse to the applicants, be concurred in.

There is serious question whether the principal applicant was brought from Kansas, where she claims to have been born in 1865, to the Cherokee Nation in 1866, as alleged. The question whether her main witness (Harry Still) on this point, returned to the Nation as alleged by him at that time, is still pending, his case having been remanded for rehearing October 18, 1905. But outside of that feature of the case, it is positively stated by the son of the person to whom the principal applicant's mother, through whom she claims, is alleged to have belonged, that such Cherokee citizen did not own any slaves at the commencement of the rebellion. It is testified that the principal applicant's mother and her brother, Reuben Still, were sold by such Cherokee citizen prior to that time. No effort was made directly to contradict these witnesses for the Nation, though the principal

applicant submitted considerable testimony subsequent to their examination.

The Cherokee Citizenship Court in 1891 denied citizenship to Reuben Still, apparently the brother of the principal applicant's mother, because of the fact that he was sold out of the Cherokee Nation prior to the rebellion. See approved opinion of the Assistant Attorney-General of October 5, 1905, in Harry Still's case, relative to the force of such decisions of the Cherokee Citizenship Court.

The claim that the minor applicant is entitled to enrollment as the child of a Cherokee freedman, Harry Prophet, has not been sustained. Finding no reason to disturb your decision, it is hereby affirmed.

This disposes of a motion for "review" filed September 7, 1905, by attorneys for the applicants. The Indian Office will advise said attorneys hereof.

A copy of the Indian Office letter is inclosed.

Respectfully,

(Signed) Thos. Ryan.

1 inclosure.

First Assistant Secretary.

Cherokee Freedmen

COPY.

D-505.

Muskogee, Indian Territory, April 3, 1906.

Blair & Bulger,

Attorneys for Paulina Turk, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 5, 1905, rejecting the application for the enrollment of Paulina Turk and her minor child, Etta Propriet, as Cherokee freedmen, was affirmed by the Secretary of the Interior on March 23, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED.

W. C. Brown
Acting Commissioner.

Incl. S-1

Cherokee Freedmen

COPY.

D-505.

Muskogee, Indian Territory, April 3, 1906.

Paulina Turk,

Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 5, 1905, rejecting your application for the enrollment of yourself and child, Etta Prophet, as Cherokee freedmen, was affirmed by the Secretary of the Interior on March 23, 1906.

Respectfully,

SIGNED:

Wm. C. Ball
Acting Commissioner.

LS

Cherokee Freedmen

GOPY

D-565.

Muskogee, Indian Territory, April 3, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 5, 1905, rejecting the application for the enrollment of Paulina Turk and Etta Prophet as Cherokee freedmen, was affirmed by the Secretary of the Interior on March 23, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED)

J. M. Boone
Acting Commissioner.

Incl. S-2

MISSION TO THE FIVE COUNTRIES
JUL 7 1900

MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN.

Date

Post Office

District

Dec 7. 1901-
Hayden, Ga.
Gov.

1. Name

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents

Father

Citizenship

Mother

Citizenship

Name of wife

Pamela

Age 36.

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Charles Stewart

Citizenship

Mother

Jenny Still

Citizenship

Name of Children:

21. Otta

Still

Year

Page

No.

Dist.

1.

Year

Page

No.

Dist.

2.

Year

Page

No.

Dist.

3.

Year

Page

No.

Dist.

4.

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No.

Dist.

12.

Year

Page

No.

Dist.

Application made by

Stenographer

Application made by Hallie Still
No. 1 on Hallie Still Page 123 No. 3051- as
"Plina Still rep."
No. 2 on Hallie Still Page 123 No. 3051- as
"Otta Still, Gov."

Rep. by Hattie and Smith.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Paulina Turk,

Hayden, I. T.

Cherokee F-D-565

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 696

Trans. from Cher. F. D. 703

Cher. Fr. R. 696

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11, 1901.

In the matter of the application of Willis Martin for enrollment as a Cherokee Freedman.
Willie Martin, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Willis Martin.
Q How old are you? A I am about 30 years old I guess.
Q What is your post office address? A Catalee.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Nobody but myself.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Gracie Martin.
Q Is she enrolled? A Yes, sir.
Q Does your name appear upon the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A Clifton Roll.
Q What is your father's name? A Artee Martin. (Enrolled as Otto)
Q Is he living? A Yes, sir.
Q What is your mother's name? A Frances Martin.
Q Is she living? A Yes, sir.
Q Your father and mother both citizens of the Cherokee Nation?
A My father is, my mother is a non citizen.
Q You claim your citizenship through your father? A Yes, sir.
Q Where were you born? A Cherokee Nation.
Q The Cherokee Nation the first place you recollect of being?
A Yes, sir.
Q You always lived in the Cherokee Nation? A Yes, sir.
Q You have some children? A Yes, sir, I have two.
Q Are they enrolled with your wife? A Yes, sir.
Q The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
Q The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
Q The Kern-Clifton roll examined and the applicant identified thereon, page 137, No. 3400, no district given.
Q Mr. J.S. Davenport, Cherokee representative: You were born in the Cherokee Nation, you say? A Yes, sir.
Q You are 30 years old? A Yes, sir.
Q Where were your father and mother living when you were born?
I mean what point? A Well, I can't hardly recollect.
Q You recollect the first time you came back, of being at Boggy Depot in the Choctaw Nation? A Yes, sir.
Q There is where your mother's people all lived? A Yes, sir.
Q And they have drove cattle backwards and forwards from Texas to Kansas for years after your father and mother were married? A I don't know anything about that.
Q How long have you been a resident of the Cherokee Nation? A All my life.
Q Where were you living when you can first remember, in the Cherokee Nation? A Well I declare I can't hardly tell you.
Q Do you know where you are living now? A Yes, sir, I am living up here on Pryor Creek.
Q How far from Chelsea? A About eight miles.
Q How long have you been living there? A About nine or ten years.
Q And you came directly from Boggy Depot up there? A I think not, no sir, I didn't.
Q Where did you come from? A Came from, I believe the name of . . .

Willis Martin - 2.

place was Sallisaw.

Q Did you live with your father in the Cherokee Nation on the south side of the Arkansas River by Fort Smith? A Yes, sir.

Q Are you sure of that? A Yes, sir.

Q How much of the Cherokee Nation is on the south side of the Arkansas? A I don't know.

Q What kind of a house did you live in? A In a log house.

Q How far was it from the old barracks building there where you lived? A I don't know anything about that.

Q How far was that from Campbell LeFlore's place, to where you lived? A I don't know anything about that.

Q In fact, you don't know anything about living anywhere except in the Choctaw Nation until the last seven or eight years? A In the Choctaw Nation; if I lived in it I didn't know it at the time.

Q Don't you remember living at Boggy Depot? A Yes, sir; is that the Choctaw Nation?

Commissioner: How long did you live at Boggy Depot? A I don't hardly know.

Q When were you married? A I was married here about five years ago.

Q Were you ever married before? A No, sir.

Q You were a young man till then? A Yes, sir.

Q Have you lived in the Cherokee Nation all the time after you were married? A Yes, sir.

Q Up where you are living now? A Yes, sir.

Q Your family has enrolled? A Yes, sir.

Commissioner: Willis Martin applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. He is identified upon the Kern-Clifton roll. He avers that he has been married for the last five years, and has lived in the Cherokee Nation since that time. He avers that he is the son of Otto Martin, who has this day been listed for enrollment as a Cherokee Freedman on D card 692. The testimony taken in the application of the said Otto Martin will be made part of the record in the case at bar, and a copy thereof will be filed herewith, the applicant claiming his citizenship through his father. As to his residence, reference is made to the testimony. Said Willis Martin will now be listed for enrollment as a Cherokee Freedman on a doubtful card. He will be notified by mail of the decision of the Commission in his case, when arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 21st of June, 1901.

[Signature]

Commissioner.

File with case of Willis Martin, C.F.-D.#703.

Supl. C.F.-D.#692.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE-CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 20, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of OTTO MARTIN, et al., as Cherokee Freedmen, introduced on the part of the Cherokee Nation.

APPEARANCES:

Mr. Mellette, of Counsel for Applicants;
Mr. Hastings, Attorney for Cherokee Nation.

R. W. LINDSEY, being duly sworn, testified as follows:
Q. MR. HASTINGS: What is your name? A. R. W. Lindsey.
Q. What is your age, Mr. Lindsey? A. 69 years.
Q. Are you a citizen of the Cherokee Nation by adoption?
A. Yes, sir.
Q. How long have you lived in the Cherokee Nation? A. About 41 years.
Q. You were here then before the war? A. Yes, sir.
Q. Were you married to a citizen of the Cherokee Nation before the war? A. Yes, sir.
Q. What was your wife's maiden name? A. Mariah Bryant.
Q. What was her father's name? A. Joel M. Bryant.
Q. Did you know a slave before the war by the name of Otto Martin?
A. Yes, sir.
Q. To whom did he belong when the war came up? A. He belonged to J. M. Bryant.
Q. Do you know from whom he purchased him? A. Yes, sir, Sarah Martin.
Q. What was Sarah Martin's husband's name? A. Brice Martin.
Q. What became of Otto Martin during the war? A. Well, Mrs. Bryant taken him with the balance of the family to the Choctaw Nation and he lived there with them during the war.
Q. Were you along with them? A. No, sir, not all the time, frequently I was there, my family was living there alternately.
Q. What became of Otto just after the war? A. Well, about the close of the war he went over into Tannin county, Texas, preparatory to making a trip to Mexico.
Q. MR. MELLETTE: Mr. Lindsey, were you along? A. Yes, sir, and he sold him there.
Q. MR. HASTINGS: Was that before the close of the war?
A. About the latter part of May, 1865.
Q. Is that the last you saw of him there? A. That is the last when we left him there.
Q. Well, now, when did you first return to the Cherokee Nation after the war? A. Well, I got to my home on the 15th of December, some 35 miles north of here; I passed through this city on the 16th of December.
Q. What year? A. 1865. I arrived at my home from Grand river.
Q. Did you ever see Otto Martin after that? A. Yes, sir, I think it was the next June following, so, that I met him in the road up on what we called the old Military road and above the old Union Salt Lick.
Q. Did you have any talk with him at that time? A. Yes, sir, we met and I recognized him and he recognized us and of course cordial greetings which would naturally follow.
Q. Did you ask him where he was from? A. Yes, sir, I asked him where he was from, where he was living.

Q Well, what did he say? A Well, his answer was that he just came from some cattle, drove of cattle with some parties.

Q Where from? A Texas, just come up from Texas.

Q Was the cattle along with him? A No, sir, he was nearly between Brushy creek and Chouteau creek, and the cattle was off south of Brushy creek out on the prairie off to the right; I was going down to Saline and got up on the hill I saw the cattle up on the hill to the right, and told me the cattle was camped back there on the Elm branch, we called it.

Q That was the first time you saw him after the war? A Yes, sir.

Q Were you in the Cherokee Nation at any time during the year of 1865? A No, sir.

Q You landed here at your old home on the 15th day of December, 1867? A Yes, sir.

Q You saw him the next June, '68? A Yes, sir.

Q If Martin said you were here in the Cherokee Nation in 1866 he was mistaken? A Yes, sir, I was in the Republic of Mexico all of 1866.

Q MR. BELLEFLORE: Mr. Lindsey, you say that Otto Martin was owned by Joel Bryant at the beginning of the war? A That is correct.

Q Where was Otto Martin at the beginning of the war? A The post office then was called the Grand Saline, it is on the west side of Grand river, well about three miles from the Grand Saline.

Q In the Cherokee Nation? A Yes, sir.

Q Joel Bryant was a Cherokee Indian? A No, sir, he was adopted.

Q He was a citizen of the Cherokee Nation? A Yes, sir.

Q By adoption? A Yes, sir.

Q His wife was a Cherokee? A Yes, sir.

Q Well, do you say Joel Bryant sold Otto Martin? A Yes, sir.

Q The latter part of 1865? A About the latter part of May, 1865.

Q Well, that was after he had been freed by law wasn't it?

Q I could not say about that; the section of the country we was in we didn't know anything about that, we was buying and selling at them times.

Q You know that Otto Martin was in the Cherokee Nation, a slave in the Cherokee Nation, at the breaking out of the war? A Yes, sir.

Q Well, Mr. Lindsey, what place did you meet him in '68?

Q Didn't meet him in '66.

Q In '68? A What we called the Union Salt Lick, some 25 miles north of here on the west side of Grand river between Brushy creek and Chouteau creek, near the old Nancy Martin place, a pretty conspicuous old place.

Q You just met him in the road? A Yes, sir, he and another young colored man was afoot and I was horseback.

Q What time in 1868? A It was in June, the best I recollect, the latter part of June.

Q When did you first have your knowledge recalled to this fact, recalled to the fact of having met him? A The very fact of having Otto Martin called up, it would recall that as most anything, Mr. Belleflore, that would happen, most any circumstance would call it up; the first time I had it recalled back and that I might have thought of that it was 1895 you had your Kern-Clifton Commission, he

Q That was in 1895? A I testified then, that was the first direct.

Q You don't know how long he had been in the Cherokee Nation at that time? A No, sir, he said he just come up from Texas.

Q You don't know whether he had been here and gone back to Texas or not? A I do not.

Q MR. BASTINGS: Do you know where Otto Martin now lives?

A No, sir.

COMM. 2201.10 THE CHEROKEE FREEDMEN CASES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.
--3--
Q Do you know any of his family? A No, sir.

Commission: This testimony is ordered made a part of the record in the following Cherokee Freedmen cases: #D.692, #D.703, #D.714, and #D.724.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 20th of September, 1901.

C. A. Hutchinson

Commissioner.

File with case of Willis Martin, C.F.-D.#703.

Supl.C.F.-D.#692.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 16th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of OTTO MARTIN, ET AL., as Cherokee Freedmen, introduced on part of Cherokee Nation:

APPEARANCES:

Mr. Mellette, of Counsel for Applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

NATHAN CORMICLE, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Nathan Cormicle.

Q Where do you live, Mr. Cormicle? A I live near Catale.

Q How old are you? A 53.

Q How long have you lived near Catale? A About 28 years.

Q Do you know Otto Martin? A Yes, sir, I know, or know of him.

Q How long have you known him? A I have known him for about eight or ten years I guess.

Q How far does he live from you? A He lives about a half mile north of where I live.

Q How long has he been living there? A He has been living there to my memory about, somewhere between three and four years.

Q Well, when he came there to that place did you have any conversation with him as to where he had been living, or his rights in the Cherokee Nation? A No, sir, I never talked to him until he bought that place and we met up and have had several talks; he never did say anything about having any right in the country except one time.

Q Well, now, just state what that conversation was? A He said he was, they was hurrying along to get the things fixed up and know what they was going to do with him before the Dawes Commission.

Q Did he say anything about where he had been living? A He had been living a while before that still on west of that, it is my understanding that he bought a place from Polk Milharlan.

Q Did he say he was living in the country before that? A No, sir, he spoke of living in Kansas and Choctaw and Chickasaw country.

Q I am asking you what the conversation was with reference to where he had been living? A Well, just, he seemed to want to know what they were going to do about his citizenship.

Q Did he say anything about his citizenship? A No, sir; he said he thought he come too late, that was the greatest complaint he had.

MR. MELLETTE: When did he say that, Mr. Cormicle? A He said this as well as I remember about two years ago, or about a year.

Q Didn't he say that they claimed he was too late? A He said he was too late himself.

Q Well, now, he was claiming citizenship here? A Yes, sir.

Q He was an applicant before the Dawes Commission for citizenship?

A Yes, sir.

Q And still he told you he had come here too late to be a citizen?

A That was what he was afraid of, that was all he feared.

Q That was what he was afraid of? A Yes, sir.

Q Didn't he say that the Cherokee Nation was trying to say that he was too late to be a citizen? A No, sir, he didn't say anything about the Cherokee Nation saying that he would be too late; he just said to me he was too late.

Q Were you paying any particular attention to that conversation?

A Yes, sir, I met him in the road and was talking to him same as any other man.

Q Do you swear that you give the exact import of his conversation?
A No, sir, I wouldn't say that I give every word just as it was
talked, but as far as the citizenship is concerned.
Q Are you giving the exact language that he used? A As far as
he claimed that he was here too late, I am.
Q Now, what did he say? A Now, he said he wished they would hurry
up so he would know what they was going to do with him, whether he
would be recognized as a citizen.
Q Is that the exact language he used? A Yes, sir, as well as I
remember it.
Q You said that you remembered his exact language? A That is what
he said.
Q Are you giving his exact language? A As near as I can.
Q Well, now, he did say exactly what you have said? A Yes, sir.
Q And you remember two years, you are giving it word for word?
A I don't claim it is word for word, but it is just as I remember.
Q Nobody told you to remember what Otto Martin said? A No, sir.
Q When did you first think about this conversation you had with
him? A I had then, thought about it; he was living there on the
place and I was imposed on by his stock.
Q You were imposed on by his stock? A Have been; haven't been
lately.
Q How much land have you got down there? A About 160 acres of
land.
Q Are you a citizen? A Yes, sir.
Q Have you all you are entitled to? A No, sir.
Q Are you trying to get Otto Martin's place?
A No, sir, the place he has got there I wouldn't want, it is
hilly and I own all the land of that kind I want.
Q The fact of the business is you have had some trouble with him
about it, haven't you? A No, sir; I could have had it before he
ever moved there if I wanted it.

Com'r Needles: This testimony will be made part of the
record in the case at bar, and also part of the record in
Freedmen cases D.#703, D.#714 and D.#724.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 24th, 1901.

W. H. Harrison

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alexander Irons, et al., as Cherokee Freedmen, consolidating the applications of --

Alexander Irons,	Cherokee Freedmen D- 181.
William Lane, et al.,	Cherokee Freedmen D- 398.
Reuben Lane,	Cherokee Freedmen D- 397.
Ira Lane,	Cherokee Freedmen D- 399.
Emma Lane, et al.,	Cherokee Freedmen D- 400.
Mitchell Lane,	Cherokee Freedmen D-1058.
Otto Martin, et al.,	Cherokee Freedmen D- 692.
Willis Martin,	Cherokee Freedmen D- 703.
Charlie Martin,	Cherokee Freedmen D- 714.
Annie Robinson, et al.,	Cherokee Freedmen D- 724.

D E C I S I O N

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Alexander Irons for himself; by William Lane for himself and his sister, Chaney Lane; by Reuben Lane for himself; by Ira Lane for himself and his two sisters, Emma and Laura Lane; also by said Emma Lane for her children, Fannie and Willis Lane; by Mitchell Lane for himself; by Otto Martin for himself and his minor children, Lindsay, Guy, Fred, Eliza and Otto Martin, Jr., as Cherokee freedmen, and for his wife, Frances Martin, as a Cherokee freedman by intermarriage, but as the status of persons applying for enrollment as Cherokee freedmen by intermarriage is not fixed at this time the application for the enrollment of Frances Martin, as such, will not be passed upon or considered in this decision; by Willis Martin for himself; by Charlie Martin for himself; by Annie Robinson for herself and her minor children, Thomas and Willie Robinson; and subsequent to her original application an affidavit was filed showing the birth of her minor child, Luckey Robinson, and the same is made a part of the record herein. The testimony taken at Vinita, Indian Territory, on October 2, 1901, in the matter of the application of Jennie Martin is also made a part of the record herein.

The evidence shows that the applicants, Otto Martin, Rachel Lane (now deceased), and her son, Alexander Irons, who is also one of the applicants herein, were the slaves of Cherokee citizens at the commencement of the rebellion; that they were taken out of the

Cherokee Nation during the rebellion and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

It further appears that all the other applicants herein were born since 1866; that they are the descendants of said Rachel Lane and Otto Martin, respectively, and have no rights as Cherokee freedmen ~~as~~ except such as they may have derived through said ancestors. It does not appear that Rachel Lane or any of the applicants herein are identified upon the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Alexander Irons, William Lane, Chaney Lane, Reuben Lane, Ira Lane, Emma Lane, Laura Lane, Fannie Lane, Willis Lane, Mitchell Lane, Otto Martin, Lindsay Martin, Guy Martin, Fred Martin, Eliza Martin, Otto Martin, Jr., Willis Martin, Charlie Martin, Annie Robinson, Thomas Robinson, Willie Robinson, and Luckey Robinson as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(Signed) Tams Bixby,
Chairman.

(Signed) T. B. Needles,
Commissioner.

(Signed) C. R. Breckinridge,
Commissioner.

Muskogee, Indian Territory,

this Aug 25 1904

COI

Cherokee Freedmen
D 703

Muskogee, Indian Territory, August 27, 1904.

Willis Martin,

Oatale, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision dated August 25, 1904, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

Tamie Dixby.
Chairman.

Encl. V-84

Register.

COPY.

Cherokee Freedmen
D 181, et al.

Waskogen, Indian Territory, August 27, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Alexander Irons, et al., together with the Commission's decision dated August 25, 1904, rejecting the applications for the enrollment of Alexander Irons, William, Cheney, Reuben, Ira, Emma, Laura, Fannie, Willis and Mitchell Lane, Otto, Lindsey, Guy, Fred, Eliza, Otto, Jr., Charlie and Willis Martin and Annie, Thomas, Willis and Luckey Robinson as Cherokee freedmen.

Respectfully,

(SIGNED) *Jame Eixby.*
Chairman.

Encl. V-56

Through the
Commissioner of Indian Affairs.

COPY

Cherokee Freedman
D 161, et al.

Muskogee, Indian Territory, August 27, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, in the consolidated case of Alexander Irons, et al., rejecting the applications for the enrollment of Alexander Irons, William, Chaney, Reuben, Ira, Emma, Laura, Fannie, Willis and Mitchell Lane, Otto, Lindsay, Guy, Fred, Eliza, Otto, Jr., Charlie and Willis Martin and Annie, Thomas, Willie and Lucky Robinson as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED, *Tamie Birby.*
Chairman.

Encl. V-55

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 28, 1904.

Land.

59484-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 24, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Alexander Irons for himself; by William Lane for himself and his sister, Chassey Lane; by Reuben Lane for himself; by Ira Lane for himself and his two sisters, Emma and Laura Lane; also by said Emma Lane for her children, Fannie and Willis Lane; by Mitchell Lane for himself; by Otto Martin for himself and his minor children, Lindsay, Guy, Fred, Eliza and Otto Martin Jr.; by Willis Martin for himself; by Charlie Martin for himself; by Annie Robinson for herself and her minor children, Thomas, Willie and Lindsay Robinson.

August 25, 1904, the Commission decided adversely to all the applicants.

The record shows that the applicants, Otto Martin, Rachel Lane (now deceased), and her son, Alexander Irons, an applicant herein, were the slaves of Cherokee citizens at the beginning of the war of the rebellion; that they were taken out

of the Cherokee Nation during the war and did not return and establish a residence therein on or before February 11, 1887.

It further appears that all of the other applicants were born since 1866; that they are the descendants of Rachel Lane or of Otto Martin, and have no rights to enrollment except such as they may derive through their ancestors.

It does not appear that any applicant herein is identified on the 1880 authenticated Cherokee roll, but the most of them are identified on the Wallace roll or the Kern-Clifton roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tenner

Acting Commissioner.

H.M.H.
V.

(C O P Y)

W. C. F.

Y. P.

DEPARTMENT OF THE INTERIOR,

FEE

D. C. 45640-1904.

WASHINGTON. November 23, 1904.

I. T. D. 8592-1904.

LRS

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

August 27, 1904, you transmitted the record in the consolidated Cherokee freedman case of Alexander Irons, et al. (D 181, et al), including your decision of August 25, 1904, which was adverse to the applicants.

Reporting in the matter September 28, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen
D-703.

Muskogee, Indian Territory, December 7, 1904.

Willis Martin,

Catale, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on November 23, 1904.

Respectfully,

(SIGNED), *Tamc Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D-181, et al.

Muskogee, Indian Territory, December 7, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting the applications for the enrollment of Alexander Irons, William, Chaney, Reuben, Ira, Emma, Laura, Fannie, Willis and Mitchell Lane; Annie, Thomas, Willis, and Luckey Robinson; Willis, Otto, Lindsay, Gay, Fred, Eliza, Otto Jr. and Charlie Martin, as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 25, 1904.

Respectfully,

Jane Bixby.
Chairman.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

In the matter of the application of

Willie

for enrollment as a Cherokee Freedman.

Martain

No. F. D. 703.

Henry Pack, of lawful age, being duly sworn on oath states that on the *14* day of *September*, A. D., 1901, he registered to *Willie Martain* whose postoffice is *Catale*

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at *Fort Gibson* Indian Territory; and that on the *20* day of *September*, 1901, he received the return card which is hereto attached, signed by the said *Willie Martain*, showing that he had received said notice.

Subscribed and sworn to before me on this the *20* day of *Sept* A. D. 1901.

Henry Pack
J. C. Starr
Notary Public.

103

INDIAN TERRITORY,
CHEROKEE NATION

I hereby certify that I served the within notice on

by delivering a true copy thereof on the
day of A. D. 1901

Given under my hand this
day A. D. 1901

Marshal for Cherokee Nation

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
day of , 1901

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT

I do solemnly swear that I deliver to a
true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901

NOTICE!

IN THE MATTER OF The application of **Willis Martin**
for enrollment as a Cherokee Freedman:

Case No. F. D. 703

To **Willis Martin Catale I. T.**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of **Fort Gibson, I. T.** Indian Territory, on the following dates, to-wit: **Sept. 19th** **3 O'Clock A. M.** A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **SEP 1** day of **1901** **B. Beck**

W. W. Hastings
J. S. Davison
Attorneys for the Cherokee Nation.

MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN.

JUN 11 1901

Date
Post Office
District

1. Name

Owner's name

Year

Page 15

No.

District

Parents:

Father

Mother

Age
Citizenship

Citizenship
Citizenship
Age

2. Name of wife

Owner's name

Year

Page

No.

District

Parents:

Father

Mother

Citizenship
Citizenship

Names of Children:

3.
4.
5.
6.
7.
8.
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Year	Page	No.	Dist.
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Year	Page	No.	Dist.
Year	Page	No.	Dist.

Application made by

Stenographer

X Ref. 1692

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 697

Trans. from Cher. F. D. 714

Cher. Fr. R. 697

To be filed in case of Charlie Martin, CED-714.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 11th, 1901.

In the matter of the application of Otto Martin for the enrollment of himself, wife and five children as Cherokee freedmen; he being sworn by Commissioner T.R. Needles, testified as follows:
Applies for his wife as an intermarried Freedman.

Kellette & Smith, attorneys for the applicants:

James Davenport, attorney for the Cherokee Nation.

(Examination by the Commission)

Q What is your name? A Otto Martin.
Q How old are you? A I am about 53 or 52 years old maybe more.
Q What is your post-office address? A Catale.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who do you want to have enrolled besides yourself? A My wife and five children.
Q What is the name of your wife? A Frances, she is a state raised woman.
Q Do you apply for her? A Yes sir.
Q What are the names and ages of your children? A Lindsey.
Q How old? A 19.
Q Next? A Guy.
Q How old? A 16.
Q Next? A Fred.
Q How old? A 15.
Q Next? A Eliza.
Q How old? A 12.
Q Next? A Otto Jr.
Q How old? A 9.

By Mr. Smith:

Q How old are you? A I don't know my age exactly, I reckon I must be about 52 or 3 or 4.
Q Where were you born a slave? A Yes sir.
Q Who did you belong to? A Brias Martin.
Q Was he a Cherokee citizen? A Yes sir.
Q Where did he live before the war? A On Grand river.
Q Where were you when the war commenced? A I was there on Grand river with Brias Martin.
Q With your master? A With my mistress really.
Q What was her name? A Sarah Martin.
Q Was she a Cherokee citizen? A I guess so, she was Brias Martin's wife.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A I was carried to the Choctaw Nation.
Q How long did you stay down there? A Until after the war.
Q Did you go any further south than the Choctaw Nation? A No sir.
Q What time did you come back first after the war? A In '66.
Q Where did you come to? A The first place I come to was there in Garrison Creek.
Q Where is that? A Close to Fort Smith.
Q Where did you come to from there? A To Sallisaw and on up through the Territory by Fort Gibson and by Chetopa on the line up there.
Q When did you first locate then, during that time after you got back here in '66? A I hired out to a cow man, that was when I was coming up, I come across him and he hired me and had me drive

cattle and he went to horse creek.

Q Where did you next go? A To Brushy.

Q In the Cherokee nation? A Yes sir.

Q Were you married then? A Single.

Q When did you marry? A I dont know what year it was.

Q How long ago--how old is your oldest child? A 30 years old I guess she is.

Q How long had you been married when your oldest child was born? A I reckon about 11 or 12 ~~years~~ months.

Q Have you any children now older than Lindsay? A Yes sir.

Q Give their names? A William and Annie and Charles.

Q Is Annie married? A Yes sir she is married to a man named Robinson

Q Where does she live? A On Prior creek.

Q Where did she live before that? A On Prior creek.

Q With whom? A Me.

Q Until she married? A Yes sir.

Q Where does William live? A There up on Prior Creek.

Q What is his post office? A Chelsea.

Q How far from Chelsea does he live? A Nine miles.

Q Where does Charles live? A With me.

Q He is not married? A No sir.

By Mr. Davenport:

Q You say you went where during the war? A To the Choctaw Nation.

Q With whom? A Joel Bryant.

Q Old uncle Joel? A Yes sir and my young master Joe Martin/

Q You didn't go to Texas? A I dont know where they went after they left there, they left me in the Choctaw Nation.

Q Did they leave there before or after the war? A I dont know, I think right about the close of the war, when they left me it was.

Q You was about grown at that time? A I reckon I must have been 14 or 15 years old then.

Q Your mster was named Brice Martin? A Yes sir.

Q Was he a son of Joe Martin? A No sir he was his father.

Q When you came back after the war where did you first come to?

A On Garrison creek.

Q Where is Garrison creek located? A In Sequoyah di strict.

Q How long did you stay there? A I didn't stay there long.

Q Where did you go from there? A I come up the country.

Q Had you a family living on Garrison creek before you went away?

A No sir.

Q Who did you see there--that you knew? A I knowed a lot of folks, a lady named Caroline Starr.

Q Any one else? A Dick Mobile.

Q You left Garrison creek and come where? A I come up to Gibson and then up the line here by Horse Creek in up close to ~~Brushy~~ Chetopa.

Q Did you live on Sallisaw while you was wandersing around? A No sir.

Q How long did you stay in Sequoyah district? A 5 or 6 years.

Q How long did you stay there before you went back to the Choctaw Nation and married? A Where?

Q In the Cherokee Nation before you went back to the Choctaw Nation and married? A I think- I dont know how long I staid I was just backwards and forwards.

Q You didn't have any home at all up here Q You didn't have any home at all until you married? A No sir.

Q You married about 30 years ago? A I guess so

Q Your wife's people lived at Boggy Depot? A Yes sir.

Q That was where you principally lived until you and your wife were married? A Yes sir.

Q Do you know R.W. Lindsay? A Yes sir.

Q Did you see him in '68? A I seed him in '66.

Q Did you see him in '68? A If I did, I dont know it.

Q Do you remember meeting him in '68 somewhere in the summer of '68 when you were driving some cattle and of having a conversation with him? A No sir I met him in '66 when I was driving cattle.
 Q Don't you know that he didn't come here until in '67? A No sir.
 Q Did you see him before that time? A Yes sir in '66.
 Q In the Cherokee Nation in '66? A Yes sir.
 Q That is a fact is it? A Yes sir.
 Q You are certain that you saw him in the Cherokee Nation in '66?
 A The first time I came up here is when I saw him.
 Q You say you saw Mr. R.W. Lindsay in the Cherokee Nation the first year that you came back to the Cherokee Nation after the war do you?
 A Yes sir that was the time I seed him, in '66.

By Smith-

Q How long had you been in the Cherokee Nation when you saw Mr. Lindsay? A I had been on the road all through that summer and spring.
 Q Well about how long had you been in the Cherokee Nation when you saw this man Lindsay? A I had been here I reckon about 3 or 4 months I reckon, all together.
 Q Where did you see Lindsay? A Up here on Horse creek.
 Q Near what place? A It was Knights place,

By Davenport-

Q What Lindsay are you talking about? A I am talking about Joel Bryant's son in law.
 Q Is that W.R.? A Yes sir I guess so.

By Smith-

Q When you first came to the Nation you say you went to Sequoyah?
 A Yes sir.
 Q Where else had you been besides in Sequoyah before you saw Lindsay?
 A There was Sequoyah, there was Fort Gibson, there was Brushey, and then I seed him up on Horse creek.
 Q What time was it that you come in '66? A Long in the spring when the grass was big enough to drive cattle.
 Q Was it in the spring or summer? A Long in the spring, I reckon the latter part of the spring I come up here long in the summer.
 Q How long did you say it was after you first come back to the Cherokee Nation before you saw Lindsay? A I reckon it was 3 or 4 months.
 Q Do you know how long it was? A No I don't know exactly, I reckon it was that long.

By Davenport:

Q You did see Lindsay some time during the summer of a certain year in this country? A Yes sir.
 Q And you had a conversation with him? A He just asked me where I was going and asked me about those cattle.
 Q Didn't he ask you about those cattle and told him you had just come from Texas with those cattle? A No sir I didn't.

By the Commission:

Q How far south did you go during the war? A We went to the lower part of the Choctaw Nation.
 Q Did you go into Texas? A I went there after we got there, went there with teams for things to eat.
 Q Where were you married? A In the Choctaw Nation.
 Q Where was your oldest child born? A On Sallisaw.
 Q Choctaw Nation? A Cherokee Nation.
 Q Were they all born in the Cherokee Nation? A Yes sir.
 Q Your wife is known as a state woman? A Yes sir.
 Q Who married you? A Isaac Daniels.
 Q Is he living? A I don't know.
 Q Did you get a certificate of your marriage? A No sir.

- Q Was she your first wife? A Yes sir.
 Q Were you her first husband? A Yes sir.
 Q Is she living? A Yes sir.
 Q You have no proof of your marriage then? A No sir.
 Q Is there anybody here that knows that you and your wife were married? A No sir not here.

ELIAS DOWNING, called and sworn as a witness for the applicant testified as follows:

By Mr. Smith-

- Q What is your name? A Elias Downing.
 Q Your age? A 58.
 Q Where do you live? A On Priors Creek, Cooweescoowee district.
 Q How long have you lived there? A 22 years.
 Q How long have you lived in the Cherokee nation? A I was raised here.
 Q Do you know this applicant here? A Yes sir.
 Q Did you know him before the war? A Yes sir.
 Q Was he a born slave? A Yes sir.
 Q Who was his master? A Brice Martin.
 Q Was he a Cherokee Indian? A Yes sir.
 Q Did he live in the Cherokee Nation before the war? A Yes sir.
 Q Where was this applicant at the time the war commenced? A In the Cherokee nation, down near Joel Bryants.
 Q When did you first see this applicant in the Cherokee nation after the war? A Right after the war in '66 as I was coming from the south.
 Q Where from? A Texas.
 Q Where did you see this applicant? A The south side of the river the Arkansas river at a place known as Niven's ferry.
 Q Near where? A Near Fort Gibson.
 Q Who was he with? A Some men driving cattle.
 Q What time of the year? A First of July about.
 Q Where is he living now? A On Priors creek in Cooweescoowee district.
 Q How far from Chelsea? A Six miles.
 Q Do you know his wife? A Yes sir.
 Q Are they living together now as man and wife? A Yes sir.
 Q How long have you known them as man and wife? A 8 or 10 years

By Davenport-

- Q Are you on the roll of 1880? A No sir.
 Q How far do you live from this applicant? A 3 miles.
 Q How long have you lived that close? A 8 or 10 years.
 Q How far did you live from him when the war broke out? A 10 miles
 Q How old was this boy when the war began? A 10, 12, or 13 years old somewhere along there.
 Q You went south to Texas? A Yes sir.
 Q And you saw him on the south side of the Arkansas river near Nivens ferry in '66? A Yes sir.
 Q Are you sure it was in '66? A Yes sir.
 Q What time in '66? A Last part of June or the first part of July.
 Q Before or after the treaty was made? A I don't know anything about when the treaty was made.
 Q You had come back without knowing anything about the treaty had you? A Yes sir.
 Q Who came back with you? A With some men driving cattle.
 Q Where were they driving them to? A Somewhere in Kansas, they said they lived in Illinois.
 Q Did you go on with them? A No sir.
 Q How long were you with this applicant at that time? A Not very long two or three hours.
 Q But you remember him distinctly as the boy you saw there? A Yes sir.

Q When did you next see him again? A In our neighborhood.
 Q Ten years ago? A Yes sir.
 Q And you recognized him then as being the boy you had seen down there at the Nivens ferry in '66? A Yes sir.

FRED MARTIN, called and sworn as a witness for the applicant, testified as follows:

By Smith-

Q What is your name? A Fred Martin.
 Q How old are you Fred? A 43.
 Q Where do you reside? A I live on Grand river.
 Q What is your post office? A Spavinaw.
 Q Do you know this applicant? A Yes sir.
 Q Is he related to you? A No sir.
 Q Did you know him before the war? A No sir.
 Q How far does he live from you now? A I don't know just how far, they call it 21 or 22 miles.
 Q Have you ever been at his house? A Yes sir.
 Q Do you know his wife? A Yes sir I have seen her several times.
 Q Do you know his children? A Don't know his youngest children, I know his two oldest children.
 Q What are their names? A Will and Annie. He has several little children, I don't know their names.
 Q Is his wife the mother of these children? A Yes sir.
 Q Do you know if the mother and this applicant live together as man and wife? A Yes sir they live together as man and wife.
 Q How long have they been living together in that way to your knowledge? A Ever since 82 or 83, I disremember which, I had some subpoenas to serve for Mr. Wilkerson in Sequoyah and I staid all night at his house and they was living together then as man and wife.
 Q Have they lived together since then? A Yes sir.
 Q Do you know who he belonged to before the war? A No sir.
 Q Did you know him before the war? A No sir.
 Q When did you first see him after the war? A That time I said I had some subpoenas to serve for Mr. Wilkerson.

ALLEN LYNCH called and sworn as a witness for the applicant testified as follows:

By Mr. Smith-

Q What is your name? A Allen Lynch.
 Q Do you know this applicant? A Yes sir.
 Q How long have you known him? A Ever since he was a little bit of a boy.
 Q Did you know him before the war? A Yes sir.
 Q Was he a slave? A Yes sir.
 Q Who did he belong to? A Brice and Sarah Martin.
 Q Who was Sarah Martin? A Brice Martin's widow.
 Q Was she a Cherokee citizen? A Yes sir.
 Q A Cherokee Indian? A Yes sir.
 Q Where did she live before the war? A On Grand river, below Joel Bryant's.
 Q In the Cherokee nation? A Yes sir.
 Q Where was the applicant when the Civil war commenced? A Went south.
 Q Was he here in the Cherokee Nation when it broke out? A Yes sir.
 Q You don't know where he went to? A No sir.
 Q When did you first see him after the war? A It was long in July or August there at Lewis Kell's place on Cabin Creek.
 Q How far from where Vinita is now? A 10 or 12 miles, below there.
 Q Do you know where he lives now? A No sir I don't.
 Q Do you know his wife? A No sir.

By Davenport-

Q Was he living on Cabin creek when you saw him? A No sir.

Q Just going on through to K...? A Yes sir.

Q Passing through with some cattle? A Yes sir.

Q Is your name on the Kern Clifton roll? A Yes sir.

The 1880 authenticated roll of the Cherokee nation examined and the applicant not found.

The 1896 census roll of the Cherokee Nation examined and the name of applicant's not found thereon.

The Kern Clifton roll examined and the name of the applicant and his children found there on as follows:

Page 137 No. 3393, Arter Martin

Page 137 No. 3395 Linsa Martin

Page 137 No. 3396 Guy Martin

Page 137 No. 3397 Fred Martin

Page 137 No. 3398, Eliza Martin

Page 137 No. 3399 Arter Martin.

Q Did you ever draw money for your wife? A No sir.

None of the applicants found on the Wallace roll of the Cherokee nation upon an examination thereof.

Q You were married in the Choctaw Nation? A Yes sir.

Q Are these children all living with you? A Yes sir.

By Com'r Needles,

Otto Martin applies for himself and five children as Cherokee freedman and for his wife Frances as a Cherokee freedman by intermarriage. Upon an examination of the authenticated roll of 1880 and the census roll of 1896 the applicant cannot be found; he and his five children are duly identified on the Kern Clifton roll, he as Arter, and his youngest child Otto jr. as Arter. He makes satisfactory proof as to residence. Avers that he was married to his wife, Frances in the Choctaw Nation and has been living with her continuously for some thirty years. Now the said Otto Martin and his five children as named in the testimony will be listed for enrollment as Cherokee freedmen on a doubtful card, and his wife Frances as a Cherokee freedman by intermarriage on a doubtful card. The applicant will be notified on the final decision of the commission by mail.

S U P P L E M E N T A L .

By Mr. Smith of the applicant:

Q When you met Mr. Lindsay, were you with a bunch of cattle?

A Yes sir.

Q Where had you gotten those cattle? A When I got with them-well the cattle came from Mud Creek, Chickasaw nation.

By Davenport-

Q Those cattle didn't come from Texas then? A No sir.

Q Do you know the man that owned the cattle? A Yes sir.

Q What was his name? A Hardrick.

Q What was his first name? A His first name was Stephen.

Chas. vonWeise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes.

(signed) Chas. vonWeise.


Subscribed and sworn to before me this the 26th of June, 1901, at Nowata, I.T.

(signed) T.B. Needles, Commissioner.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the United States and Indian Tribes he made the foregoing copy and that the same is a true and complete ~~transcript~~ copy of the original transcript.

M.D. Green

Subscribed and sworn to before me this August 17, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 12, 1901.

In the matter of the application of Charlie Martin for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for the applicant;
Mr. Davenport, for the Cherokee Nation.

- Q What is your name? A Charlie Martin.
Q How old are you? A About 21 or 22.
Q What is your post-office? A Catale.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q You want to enroll anybody but yourself? A No sir.
Q What is your father's name? A Otto Martin.
Q Is he living? A Yes sir.
Q What is your mother's name? A Frances Martin.
Q Is she living? A Yes sir.
Q Is your name on the authenticated roll of 1880? A Yes sir.
Q On any of the rolls of the Cherokee Nation? A On the Kerns Clifton roll.

Kern-Clifton pay roll of citizens of the Cherokee Nation
examined and applicant identified thereon as follows:
page 137 #3394 Charles Martin, (No district)

- Q Where were you born? A I don't know sir.
Q Where can you first recollect being? A Down on Garrison Creek.
Q Where is that? A Cherokee nation.
Q Have you lived in the Cherokee nation all your life? A Yes sir.
Q Born and raised here? A Yes sir.

1880 authenticated roll of citizens of the Cherokee nation examined and applicant not found thereon;
1896 census roll of citizens of the Cherokee nation examined and applicant identified nowhere thereon.
Wallace roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

BY MR. SMITH:

- Q Who was your father? A Otto Martin.
Q Who was your mother? A Frances Martin.
Q What brothers and sisters have you? A Will and Annie Martin, and Linsie and Guy and Eliza and Otto Martin.
Q Do you know whether your father, Otto Martin, has applied for enrollment? A Yes sir.
Q Are you a son of that Otto Martin who applied here for enrollment yesterday or day before? A Yes sir, ~~yesterday~~ yesterday.
Q How old are you? A 21 or 22.

BY MR. DAVENPORT:

- Q When you can first remember were you living on Garrison Creek?
A Yes sir.
Q Where is that? A In the Cherokee nation.
Q What part of the Cherokee Nation? A In Sequoyah District.
Q Near whom were you living when you can first remember? A I was living close to a man named John Fox and a man named Buck Rider, and several, I can't call over all.
Q You remember anything about John Gunter? A No sir.
Q Near what post-office or town did you live? A I lived close to Ballisaw.
Q Was there a town at Ballisaw when you can first remember? A Yes sir.

Charlie Martin 2

Q What was the name of the post-office? A I don't know what the name of the post-office was.

Q You don't remember where you got your mail, or where your father got his mail? A No sir.

Q You know any one who was keeping store there at that time? A No sir.

Q You remember the name of no one? A No sir.

Q What direction from the place that is now Sallisaw town did you live? A I lived east.

Q About how far from Sallisaw? A I don't know sir.

Q How long did you live there after you can remember living there? A I don't know.

Q You know how long you have been living where you are now? A Yes sir.

Q How long have you been living there? A Well I have been living about nine or ten years.

Q Where is that you are living now? A Up on Pryor Creek.

Q What part of Pryor Creek? A Living on the north end, up near the head of the creek.

Q About how far from Chelsea? A About seven miles and a half.

Q And you have been living there about how many years? A About nine or ten years.

Q Where else have you lived since you can remember? A Down on Garrison Creek.

Q Well you haven't lived outside anywhere? A No sir.

Q You haven't been going to school outside like the rest of these folks? A No sir.

Q Have you lived in the Choctaw Nation any? A No sir.

Q You have never been back there with your father? A No sir.

Q Your mother's people live in the Choctaw Nation? A Yes sir.

Q Near what point? A Down about Boggy Depot.

Q You wasn't born down there? A No sir.

Q How many of the children were born there, do you know? A No sir, I don't know.

Q You know some of them were born there? A No sir.

Q Is your mother living now? A Yes sir.

Q Where is she living? A Up on Pryor Creek.

Q You live with your mother and father? A Yes sir.

Q Near whom do you live up there? A I live close to a fellow named Carmickle.

Q You remember anyone else? A Yes sir, there are quite lots of them, Lewis Shawney, a fellow who lives near there, and Ridge Rogers.

Q He knows how long you have been living there on Pryor Creek? A I don't know.

Q Was he living there when you moved there? A Yes sir.

Q Ridge Rogers is a son of old uncle Jack Rogers? A Yes sir.

BY MR. SMITH:

Q There is some body else living close to you besides Ridge Rogers? A Yes sir.

Q Name a whole lot of them, take your time? A There is my uncle, Charlie Martin, and July Martin and John Bolen, and a whole lot.

Q They know how long you have been living there do they, or do they? A Yes sir.

Q What other people do you know right around in that neighborhood outside of Ridge Rogers, you know any Cherokees up there? A No sir, not ~~around~~ right close around in there.

Q You know any white people who are not Cherokees? A Yes sir.

Q Who are they? A I don't know any right close around me there.

Q Well but the nearest ones to you? A Well I know Charlie Brown.

BY MR. DAVENPORT:

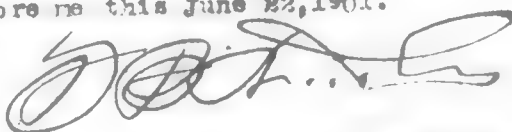
Charlie Martin 3

- Q Did you know Dave Portner when you lived in Sequoyah District?
A No sir.
Q You know where Hanson is now? A No sir.
Q What kind of house did you live in on Garrison Creek? A Log house.
Q Did you have a farm there? A Yes sir, had a little patch like.
Q Was there anybody else had a farm near about you there? A Yes sir.
Q Whose farms were around there? A I don't know.
Q You don't know anything about it do you? A No, I don't know who had farms and who didn't.
Q Which one came up on Pryor Creek first, you or your uncle, Charlie Martin? A Uncle Charlie Martin, he was living up there when I got there.
Q You remember Rollin Adair don't you, who lives near Martins?
A No, he didn't live close to Charley.
Q He lives about six or seven miles from there don't he? A He lives on Lightning Creek, I think, or Panther Creek.
BY MR. SMITH:
Q How old are you? A About 21 or 2.
Q And how long did you say you have been living up where you are living now? A Nine or ten years.
Q Then you were about eleven years old when you left that country down there that they have been talking about? A Yes sir.
BY COM'R NEEDLES:
Q You never married? A No sir.
Q You always make your home with your father? A Yes sir.

Com'r Needles: Charles Martin applies for the enrollment of himself; he is not identified on the authenticated roll of 1880 or the census roll of 1896, but is found on the Kern-Clifton pay roll according to page and number of the roll as indicated in the testimony; he is a son of Otto Martin who was listed for enrollment on D card 692; the testimony taken in the case of Otto Martin will be made a part of the record in the case now under consideration, and a copy of said testimony will be filed with the testimony of the applicant; he will now be listed for enrollment as a Cherokee freedman on a doubtful card; he will be notified by mail of the decision of the commission in the premises when arrived at.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 22, 1901.



Commissioner.

File with case of Charles Martin, C.F.-D.#714.

Supl. C.F.-D.#692.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 20, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of OTTO MARTIN, et al., as Cherokee Freedmen, introduced on the part of the Cherokee Nation.

APPEARANCES:

Mr. Holletto, of Counsel for Applicants;
Mr. Hastings, Attorney for Cherokee Nation.

R. W. LINDSEY, being duly sworn, testified as follows:

Q. R. HASTINGS: What is your name? A. R. W. Lindsey.

Q. What is your age, Mr. Lindsey? A. 69 years.

Q. Are you a citizen of the Cherokee Nation by adoption?

A. Yes, sir.

Q. How long have you lived in the Cherokee Nation? A. About 41 years.

Q. You were here then before the war? A. Yes, sir.

Q. Were you married to a citizen of the Cherokee Nation before the war? A. Yes, sir.

Q. What was your wife's maiden name? A. Mariah Bryant.

Q. What was her father's name? A. Joel M. Bryant.

Q. Did you know a slave before the war by the name of Otto Martin?

A. Yes, sir.

Q. To whom did he belong when the war came up? A. He belonged to J. M. Bryant.

Q. Do you know from whom he purchased him? A. Yes, sir, Sarah Martin.

Q. What was Sarah Martin's husband's name? A. Brice Martin.

Q. What became of Otto Martin during the war? A. Well, Mrs. Bryant taken him with the balance of the family to the Choctaw Nation and he lived there with them during the war.

Q. Were you along with them? A. No, sir, not all the time, frequently I was there, my family was living there alternately.

Q. What became of Otto just after the war? A. Well, about the close of the war he went over into Fannin County, Texas, preparatory to making a trip to Mexico.

Q. R. HASTINGS: Mr. Lindsey, were you along? A. Yes, sir, and he sold him there.

Q. R. HASTINGS: Was that before the close of the war?

A. About the latter part of May, 1865.

Q. Is that the last you saw of him there? A. That is the last when we left him there.

Q. Well, now, when did you first return to the Cherokee Nation after the war? A. Well, I got to my home on the 15th of December, some 35 miles north of here; I passed through this city on the 16th of December.

Q. What year? A. 1867, I arrived at my home from Grand river.

Q. Did you ever see Otto Martin after that? A. Yes, sir, I think it was the next June following, '68, that I met him in the road up on what we called the old Military road and above the old Union Salt Lick.

Q. Did you have any talk with him at that time? A. Yes, sir, we met and I recognized him and he recognized me and of course cordial greeting which would naturally follow.

Q. Did you ask him where he was from? A. Yes, sir, I asked him where he was from, where he was living.

Q Well, what did he say? A Well, his answer was that he just come up with some cattle, drove of cattle with some parties.
Q Where from? A Texas, just come up from Texas.
Q Was the cattle along with him? A No, sir, he was nearly between Brushy creek and Chouteau creek, and the cattle was off south of Brushy creek out on the prairie off to the right; I was going down to Saline and got up on the hill I saw the cattle up on the hill to the right, and told me the cattle was camped back there on the Elm branch, and called it.
Q That was the first time you saw him after the war? A Yes, sir.
Q Were you in the Cherokee Nation at any time during the year of 1863? A No, sir.
Q You landed here at your old home on the 15th day of December, 1867? A Yes, sir.
Q You saw him the next June, '68? A Yes, sir.
Q If Martin said you were here in the Cherokee Nation in 1866 he was mistaken? A Yes, sir, I was in the Republic of Mexico all of 1866.

MR. WELLES: Mr. Lindsey, you say that Otto Martin was owned by Joel Bryant at the beginning of the war? A That is correct.
Q Where was Otto Martin at the beginning of the war? A The post office then was called the Grand Saline, it is on the west side of Grand river, well about three miles from the Grand Saline.
Q In the Cherokee Nation? A Yes, sir.
Q Joel Bryant was a Cherokee Indian? A No, sir, he was adopted.
Q He was a citizen of the Cherokee Nation? A Yes, sir.
Q By adoption? A Yes, sir.
Q His wife was a Cherokee? A Yes, sir.
Q Well, do you say Joel Bryant sold Otto Martin? A Yes, sir.
Q The latter part of 1865? A About the latter part of May, 1865.
Q Well, that was after he had been freed by law wasn't it?
Q I could not say about that; the section of the country we was in we didn't know anything about that, we was buying and selling at them times.
Q You know that Otto Martin was in the Cherokee Nation, a slave in the Cherokee Nation, at the breaking out of the war? A Yes, sir.
Q Well, Mr. Lindsey, what place did you meet him in '66?
A Didn't meet him in '66.
Q In '68? A What we called the Union Salt Lick, some 25 miles north of here on the west side of Grand river between Brushy creek and Chouteau creek, near the old Nancy Martin place, a pretty conspicuous old place.
Q You just met him in the road? A Yes, sir, he and another young colored man was afoot and I was horseback.
Q What time in 1868? A It was in June, the best I recollect, the latter part of June.
Q When did you first have your knowledge recalled to this fact, recalled to the fact of having met him? A The very fact of having Otto Martin called up, it would recall that as most anything, Mr. Welllette, that would happen, most any circumstance would call it up; the first time I had it recalled back and that I might have thought of that it was 1895 you had your Kern-Clifton Commission, no?
Q That was it? A I remember then, that was the first direct.
Q You can't know how long he had been in the Cherokee Nation at that time? A No, sir, he said he just come up from Texas.
Q You don't know whether he had been here and gone back to Texas or not? A I do not.

MR. HASTINGS: Do you know where Otto Martin was living?

A No, sir.

Q Do you know any of his family? A No, sir.

Commission: This testimony is ordered made a part of the record in the following Cherokee Freedmen cases: #D.692, #D.703, #D.714, and #D.724.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 20th of September, 1901.

C. R. Buckinridge

Commissioner.

File with case of Charles Martin, C.F.-D.#714.
Supl.C.F.-D.#692.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 16th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of OTTO MARTIN, ET AL., as Cherokee Freedmen, introduced on part of Cherokee Nation:

APPEARANCES:

Mr. Mellette, of Counsel for Applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

NATHAN CORMICLE, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Nathan Cormicle.

Q Where do you live, Mr. Cormicle? A I live near Catale.

Q How old are you? A 53.

Q How long have you lived near Catale? A About 28 years.

Q Do you know Otto Martin? A Yes, sir, I know, or know of him.

Q How long have you known him? A I have known him for about eight or ten years I guess.

Q How far does he live from you? A He lives about a half mile north of where I live.

Q How long has he been living there? A He has been living there to my memory about, somewhere between three and four years.

Q Well, when he came there to that place did you have any conversation with him as to where he had been living, or his rights in the Cherokee Nation? A No, sir, I never talked to him until he bought that place and we met up and have had several talks; he never did say anything about having any right in the country except one time.

Q Well, now, just state what that conversation was? A He said he was, they was hurrying along to get the things fixed up and know what they was going to do with him before the Dawes Commission.

Q Did he say anything about where he had been living? A He had been living a while before that still on west of that, it is my understanding that he bought a place from Polk Milharlan.

Q Did he say he was living in the country before that? A No, sir, he spoke of living in Kansas and Choctaw and Chickasaw country.

Q I am asking you what the conversation was with reference to where he had been living? A Well, just, he seemed to want to know what they were going to do about his citizenship.

Q Did he say anything about his citizenship? A No, sir; he said he thought he come too late, that was the greatest complaint he had.

MR. MELLETTTE: When did he say that, Mr. Cormicle? A He said this as well as I remember about two years ago, or about a year.

Q Didn't he say that they claimed he was too late? A He said he was too late himself.

Q Well, now, he was claiming citizenship here? A Yes, sir.

Q He was an applicant before the Dawes Commission for citizenship?

A Yes, sir.

Q And still he told you he had come here too late to be a citizen?

A That was what he was afraid of, that was all he feared.

Q That was what he was afraid of? A Yes, sir.

Q Didn't he say that the Cherokee Nation was trying to say that he was too late to be a citizen? A No, sir, he didn't say anything about the Cherokee Nation saying that he would be too late; he just said to me he was too late.

Q Were you paying any particular attention to that conversation?

A Yes, sir, I met him in the road and was talking to him same as any other man.

Q Do you swear that you give the exact import of his conversation?
A No, sir, I wouldn't say that I give every word just as it was talked, but as far as the citizenship is concerned.
Q Are you giving the exact language that he used? A As far as he claimed that he was here too late, I am.
Q Now, what did he say? A Now, he said he wished they would hurry up so he would know what they was going to do with him, whether he would be recognized as a citizen.
Q Is that the exact language he used? A Yes, sir, as well as I remember it.
Q You said that you remembered his exact language? A That is what he said.
Q Are you giving his exact language? A As near as I can.
Q Well, now, he did say exactly what you have said? A Yes, sir.
Q And you remember two years, you are giving it word for word?
A I don't claim it is word for word, but it is just as I remember.
Q Nobody told you to remember what Otto Martin said? A No, sir.
Q When did you first think about this conversation you had with him? A I had then, thought about it; he was living there on the place and I was imposed on by his stock.
Q You were imposed on by his stock? A Have been; haven't been lately.
Q How much land have you got down there? A About 160 acres of land.
Q Are you a citizen? A Yes, sir.
Q Have you all you are entitled to? A No, sir.
Q Are you trying to get Otto Martin's place?
A No, sir, the place he has got there I wouldn't want, it is hilly and I own all the land of that kind I want.
Q The fact of the business is you have had some trouble with him about it, haven't you? A No, sir; I could have had it before he ever moved there if I wanted it.

Com'r Needles: This testimony will be made part of the record in the case at bar, and also part of the record in Freedmen cases D.#703, D.#714 and D.#724.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson
J.

Subscribed and sworn to before me this October 24th, 1901.

W. H. ...

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Charles Martin, D 714;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1830, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decrees already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Alexander Irons, et al., as Cherokee Freedmen, consolidating the
applications of --

Alexander Irons,	Cherokee Freedmen D- 181.
William Lane, et al.,	Cherokee Freedmen D- 398.
Reuben Lane,	Cherokee Freedmen D- 397.
Ira Lane,	Cherokee Freedmen D- 399.
Emma Lane, et al.,	Cherokee Freedmen D- 400.
Mitchell Lane,	Cherokee Freedmen D-1086.
Otto Martin, et al.,	Cherokee Freedmen D- 692.
Willis Martin,	Cherokee Freedmen D- 703.
Charlie Martin,	Cherokee Freedmen D- 714.
Annie Robinson, et al.,	Cherokee Freedmen D- 724.

D E C I S I O N

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Alexander Irons for himself; by William Lane for himself and his sister, Chaney Lane; by Reuben Lane for himself; by Ira Lane for himself and his two sisters, Emma and Laura Lane; also by said Emma Lane for her children, Fannie and Willis Lane; by Mitchell Lane for himself; by Otto Martin for himself and his minor children, Lindsay, Guy, Fred, Elisa and Otto Martin, Jr., as Cherokee freedmen, and for his wife, Frances Martin, as a Cherokee freedman by intermarriage, but as the status of persons applying for enrollment as Cherokee freedmen by intermarriage is not fixed at this time the application for the enrollment of Frances Martin, as such, will not be passed upon or considered in this decision; by Willis Martin for himself; by Charlie Martin for himself; by Annie Robinson for herself and her minor children, Thomas and Willie Robinson; and subsequent to her original application an affidavit was filed showing the birth of her minor child, Luskey Robinson, and the same is made a part of the record herein. The testimony taken at Vinita, Indian Territory, on October 2, 1901, in the matter of the application of Jennie Martin is also made a part of the record herein.

The evidence shows that the applicants, Otto Martin, Rachel Lane (now deceased), and her son, Alexander Irons, who is also one of the applicants herein, were the slaves of Cherokee citizens at the commencement of the rebellion; that they were taken out of the

Cherokee Nation during the rebellion and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

It further appears that all the other applicants herein were born since 1866; that they are the descendants of said Rachel Lane and Otto Martin, respectively, and have no rights as Cherokee freedmen except such as they may have derived through said ancestors. It does not appear that Rachel Lane or any of the applicants herein are identified upon the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Alexander Irons, William Lane, Chaney Lane, Reuben Lane, Ira Lane, Emma Lane, Laura Lane, Fannie Lane, Willis Lane, Mitchell Lane, Otto Martin, Lindsay Martin, Guy Martin, Fred Martin, Eliza Martin, Otto Martin, Jr., Willis Martin, Charlie Martin, Annie Robinson, Thomas Robinson, Willie Robinson, and Luckey Robinson as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(Signed) Tams Bixby,
Chairman.

(Signed) T. B. Needles,
Commissioner.

(Signed) C. R. Breckinridge,
Commissioner.

Muskogee, Indian Territory,

this Aug 25 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 26 1901

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 26th, 1901.

Received of the Commission to the Five Civilized Tribes,
one copy of the original testimony of June 12th, 1901, in the
matter of the application of Charlie Martin for the enrollment
of himself as a Freedman of the Cherokee Nation.

McClure & Smith

Attorneys for Applicants.

Cherokee F. #D714.

INDIAN TERRITORY,
COMPOSITE NATION
The following is a list of the names of the
persons who have been appointed to the office of
agent for the Indian Territory, Composite Nation,
for the year 1904.

By the Governor of the Territory of Oklahoma,
this 1st day of January, A.D. 1904.

Given under my hand and the seal of the Territory of Oklahoma,
this 1st day of January, A.D. 1904.

Attest: J. C. Chittenden, Notary Public for the Territory of Oklahoma.
I, the undersigned, do hereby certify that the
above named persons are duly appointed to the office of
agents for the Indian Territory, Composite Nation,
for the year 1904.

Attest: J. C. Chittenden, Notary Public for the Territory of Oklahoma.
I, the undersigned, do hereby certify that the
above named persons are duly appointed to the office of
agents for the Indian Territory, Composite Nation,
for the year 1904.

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for the year 1904.

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I, the undersigned, do hereby certify that the
above named persons are duly appointed to the office of
agents for the Indian Territory, Composite Nation,
for the year 1904.

714

NOTICE!

IN THE MATTER OF The application of **Charlie Martin**
for enrollment as a Cherokee Freedman:

Case No. F. D. 714

To **Charlie Martin or Mellette & Smith his Attys.**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of **For' Gibson, I. T.** Indian Territory, on the following dates, to-wit: **Sept. 19th** 8 o'clock A. M.
A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this _____ day of _____, 1901.

SEP 14 1901

L. B. Bell
W. W. Hastings
J. S. Dauphant
Attorneys for the Cherokee Nation.

COPY

Cherokee Freedmen
D 714

Muskogee, Indian Territory, August 27, 1904.

Charlie Martin,

Catale, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, in the consolidated case of Alexander Irons, et al., rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, had there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James Dixby.
Chairman

Encl. V-52

Register.

COPY.

Cherokee Freedmen
D 714 & D 692

Muskogee, Indian Territory, August 27, 1904.

Edgar Smith,

Attorney for Charlie Martin, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, in the consolidated case of Alexander Irons, et al., rejecting, among others, the applications for the enrollment of Charlie, Otto, Lindsay, Guy, Fred, Eliza and Otto Martin, Jr., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Signed, *James Dixby*
Chairman,

Encl. V-57

Register.

COPY.

Cherokee Freedmen
D 181, et al.

Muskogee, Indian Territory, August 27, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Alexander Irons, et al., together with the Commission's decision dated August 25, 1904, rejecting the applications for the enrollment of Alexander Irons, William, Shoney, Reuben, Ira, Emma, Laura, Fannie, Willis and Mitchell Lane, Otto, Lindsay, Guy, Fred, Eliza, Otto, Jr., Charlie and Willis Martin and Annie, Thomas, Willie and Luckey Robinson as Cherokee freedmen.

Respectfully,

James Dixby.
Chairman.

Enc. V-26

Through the
Commissioner of Indian Affairs.

COPY.

Charities Freedmen
B 121, et al.

Wahkago, Indian Territory, August 27, 1904.

Hastings, Bell & Newport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 22, 1904, in the consolidated case of Alexander Evans, et al., rejecting the applications for the enrollment of Alexander Evans, William, Henry, Reuben, Ira, Emma, Laura, Fannie, Willie and Mitchell Lane, Otto, Lindsey, Guy, Fred, Eliza, Otto, Jr., Charlie and Willie Martin and Annie, Thomas, Willie and Leckey Robinson as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Wm. B. Bixby.
Chairman.

Encl. V-68

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 28, 1904.

Land.

59484-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 24, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Alexander Irons for himself; by William Lane for himself and his sister, Chaney Lane; by Reuben Lane for himself; by Ira Lane for himself and his two sisters, Emma and Laura Lane; also by said Emma Lane for her children, Fannie and Willis Lane; by Mitchell Lane for himself; by Otto Martin for himself and his minor children, Lindsay, Guy, Fred, Eliza and Otto Martin Jr.; by Willis Martin for himself; by Charlie Martin for himself; by Annie Robinson for herself and her minor children, Thomas, Willie and Lindsay Robinson.

August 25, 1904, the Commission decided adversely to all the applicants.

The record shows that the applicants, Otto Martin, Rachel Lane (now deceased), and her son, Alexander Irons, an applicant herein, were the slaves of Cherokee citizens at the beginning of the war of the rebellion; that they were taken out

of the Cherokee Nation during the war and did not return and establish a residence therein on or before February 11, 1887.

It further appears that all of the other applicants were born since 1866; that they are the descendants of Rachel Lane or of Otto Martin, and have no rights to enrollment except such as they may derive through their ancestors.

It does not appear that any applicant herein is identified on the 1880 authenticated Cherokee roll, but the most of them are identified on the Wallace roll or the Kern-Clifton roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Renner

Acting Commissioner.

M.M.M.
W.

(C O P Y)

W. C. F.

Y. P.

DEPARTMENT OF THE INTERIOR,

FHE

D. C. 45640-1904.

WASHINGTON. November 23, 1904.

I. T. D. 8592-1904.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 27, 1904, you transmitted the record in the consolidated Cherokee freedman case of Alexander Irons, et al. (D 181, et al), including your decision of August 25, 1904, which was adverse to the applicants.

Reporting in the matter September 28, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen
D-714.

Muskogee, Indian Territory, December 7, 1904.

Charlie Martin,

Catale, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on November 23, 1904.

Respectfully,

(SIGNED) *Tame Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D-692-714.

Muskogee, Indian Territory, December 7, 1904.

Edgar Smith,

Attorney for Otto Martin, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting, among others, the applications for the enrollment of Otto, Lindsay, Guy, Fred, Eliza, Otto Jr. and Charlie Martin as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 23, 1904.

Respectfully,

W. C. GIBBY
Tamm Gibby,
Chairman.

COPY.

Cherokee Freedmen
D-181, et al.

Muskogee, Indian Territory, December 7, 1904.

Ball, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated August 26, 1904, rejecting the applications for the enrollment of Alexander Irons, William, Chaney, Reuben, Ira, Emma, Laura, Fannie, Willis and Mitchell Lane; Annie, Thomas, Willie, and Luskay Robinson; Willis, Otto, Lindsay, Guy, Fred, Eliza, Otto, Jr. and Charlie Martin, as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 23, 1904.

Respectfully,

Tamie Dixby.
Chairman.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

JUN 12 1901

Date

Post Office

District

Age 2

Citizenship

1. Name, *James Martin*

Owner's name

Year *1880* Page *37* No. *3397* District

Parents:

Father *Mr. Martin - living* Citizenship

Mother *James - living* Citizenship

Age

2. Name of wife

Owner's name

Year Page No. District

Parents:

Father

Mother

Citizenship

Citizenship

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by

Stenographer

See K.G. roll as Charles Martin

V Ref. 18692

Represented by Mellett and Smith, Agents, S.F.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 698

Trans. from Cher. F. D. 723

Cher. Fr. R. 698

ELIZA RATCLIFFE Applicant Continued. Former portion reported by Stenographer M. D. Green.

APPEARANCES:

Messrs Mellette & Smith for Applicant.
Mr. J. S. Davenport for Cherokee Nation.

L. D. DANIELS, being sworn and examined by Commissioner T. B. Needles, testified as follows: EXAMINATION BY MR. MELL)
ETTE:

- Q What is your name? A L. D. Daniels.
Q Where do you list? A Live at Claremore, that is my post office.
Q How old are you? A 56.
Q Are you on the authenticated roll of Freedmen citizens of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant here, Eliza Ratcliffe? A Yes, sir.
Q I got acquainted with her in '64, sir.
Q Where? A At the Salt lake in Illinois District, Cherokee Nation.
Q Was she a slave in the Cherokee Nation? A Well I guess so she always went by the name of Eliza Ratcliffe.
Q Well, do you know who her owner was? A No, I knewed Lewis Ratcliffe, but I didn't know who her owner was.
Q Were the Ratcliffes Cherokees? A Yes, sir.
Q Well, now where is the Salt works? A 25 miles east of Fort Gibson on the Illinois River.
Q You say you saw her there in '64? A Yes, sir.
Q Did you see or did she get away from you? A She was cooking for a Captain, full blood Cherokee they called Lecha, and he claimed to bring her from Flint or Going Snake or somewhere up there.
Q And then where did you next see her after that? A We moved from there.
Q Who moved? A The army, the Second Regiment; we camped there and I were there and we moved from there to Gibson.
Q What became of her? A I lost sight of her.
Q Lost sight of her where? A Fort Gibson.
Q Did she come to Fort Gibson? A Yes, sir.
Q How do you know? A I was in the wagon driving one of them.
Q She went to Fort Gibson with the army? A Yes, sir.
Q How long did she stay there? A I can't tell you, sir.
Q How long did you stay there? A I went right on up to Kansas with a load of flour, there was about 60 teams or 70 went at the same time, and could not tell you there was so many.
Q Lewis, how many times was the Cholera at Gibson?
A Just once the cholera was to my knowing, that was in '67.
Q Well, wasn't there an epidemic of some kind there during the war? A Yes, sir, that was in '63, Small pox.
Q So you left Eliza Ratcliffe in Fort Gibson in '64?
A No, sir.
Q Have you known her since that time in the Cherokee Nation?
A The first time, let's see; I believe it was eight or nine years ago to Tahlequah.
Q And where has she been since that time, have you seen her any more since that? A Yes, sir; I think it was three or four years since that and I think she has been living in Coowesscoowee since, somewhere on Grand river, and she has been living up there in eight miles of my place I guess seven or eight miles of me, or maybe ten, for two or three years.
Q Well, now, Daniel, there is another woman; do you know another Eliza Ratcliffe whose name is on the roll of 1880?

Eliza Ratcliffe Cont'd 2.

(Objected to by Attorney for Cherokee Nation.)

Q What do you know about that? A I don't know.
Q Do you know anything about a woman by the name of Yoster?
A That lived with Rabbit Bunch; I knew of an old lady about 60 or 70 years old that lived with Rabbit Bunch in Flint; she goes by the name of Yoster.
Q Do you know whether she is the one that has been claimed as Eliza Ratcliffe? A I don't know.
Q Did you ever know of another Eliza Ratcliffe in this country except this one? A Not of my knowledge, I was pretty well acquainted with the Ratcliffes.

BY MR. DAVENPORT:

Q You didn't know all of Ratcliffe's slaves before the war broke out? A No, sir, I knowed Dick Ratcliffe and his son and Niewa and Cherekes.

Q You don't know where this woman was living when the war broke out? A No, sir.

Q Nor to whom she belonged? A No, sir.

Q And you don't know where she has been living since the war? A Only as I stated.

Q All you know about it in '64, you lost sight of this woman after you come to Fort Gibson? A No, sir, I went to Kansas, I don't know where she went.

Q And you never saw or heard any more of her until about year years ago? A No, sir.

MASTER WILLIAM, being duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. MELLETTTE:

Q What is your name? A Master Williams.

Q Formerly Master Grimmett? A That is what I went by before I was married.

Q How old are you? A I am somewhere in 50.

Q Where do you live? A I live at Big Creek.

Q Are you the Master Grimmett that applied for enrollment this morning, or did you apply this morning? A No, sir, I was here a witness for my sister.

Q Are you on the 1880 roll? A Yes, sir.

Q A Freedman citizen of the Cherokee Nation? A Yes, sir.

Q Well, now, do you know the applicant here, Eliza Ratcliffe?

A Yes, sir.

Q Well when did you first see her during the war? A I seen her when we was all slave, she was my eldest sister's daughter, belonged to Dick Ratcliffe on the Illinois River.

Q What was he, a Cherokee? A Yes, sir.

Q Do you know whether she left the Cherokee Nation during the war or not? A She was out at Beeshe.

Q How do you know? A Because I know she was there with the refugees.

Q When did she come back? A She come back when we all come back, we all come back to Gibson as I aforesaid this morning.

Q This Eliza Ratcliffe come back at the same time you did?

A Yes, sir.

Q Where did she come to? A Fort Gibson.

Q Well, now, do you know whether she is the Eliza Ratcliffe whose name appears on the roll of 1880? A Yes, sir; that is her name; the old lady that claimed to be her, Yoster, that drew Eliza's money.

Q Do you know who drew her money on the Kern-Clifton roll?

A That gentleman sitting over there. (Referring to Nelson Lowrey.)

Q You know the Eliza Yoster that claimed to be Eliza Ratcliffe?

A Yes, sir, I know her.

Q Was she ever known as Eliza Ratcliffe to your knowledge?

A No, sir, she always went by the name of Eliza Yoster ever since I

was a little girl.

BY MR. DAVENPORT:

- Q Now, Easter, how old is this woman? A Well, I could not tell you just how old she was; she was a slave born.
- Q How big was she when the war broke out? A She was something older than me and I am away up in 80.
- Q Well, about how much larger was she than you at the breaking out of the war? A Big enough to be a house girl.
- Q Was she a girl? A No, sir, they used small children about so high (indicating) to nurse babies.
- Q Well do you know where she was living or with whom at the breaking out of the war? A Yes, sir, she was with my mother at Fort Gibson.
- Q Well, she was not living with Kidd at Timbered Hill as she stated a while ago? A I don't know where she went but I knew her.
- Q Do you know where she was before the war broke out? A No, sir.
- Q Do you know where she was two years before the war broke out? A I want to be as near positive as I can, they all went to Neosho.
- Q You didn't go to Neosho before the war began? A No, sir; I knew her before the war.
- Q You don't know where she was living ~~there~~ before the war? A No, sir.
- Q The first you knew of her ~~she~~ was when she was living with her mother at Fort Gibson? A No, sir, I knowed her where she was living on Caney.
- Q The next time you saw her, was; still the war was going on at Fort Gibson with her mother? A Yes, sir, before the Cholera broke out.
- Q And from there you went to Neosho? A Yes, sir. When they took us to Neosho.
- Q Well, after you come to Neosho what became of her? A They brought s back to Gibson.
- Q Who brought you back? A The Government soldiers.
- Q Well where has she been living since that time? A I can't tell you, she will have to talk for herself.
- Q You went away from the Cholera to Neosho? A Yes, sir.
- Q Was it before or after the cholera broke out they brought you back? A They cholera was br eaking out when they took us up.
- Q You didn't come back to Fort Gibson at all after the cholera scourge? A The slaves went there and it was squally times.
- Q What I want to know is was the cholera over when you came back from Neosho to Gibson? A It was raging.
- Q You are s re you never got bac to Fort Gibson after the cholera was over? A No, sir.
- Q They carried you up to Neosho and brought back/
- Q ~~Was~~ They didn't carry you to Neosho to get you away from the cholera? A No, sir, we was away from it.
- Q Was you at Neosho when the cholera was going on at Gibson? A No, sir, we was at Fort Gibson.
- Q Well how long did you been back to Fort Bigson when the cholera broke out? A I could not tell you exactly.
- Q A while ago you told me they carried you to Neosho? A They did carry us to Neosho and I can tell you the cholera was raging when I went and come back.
- Q Well, now you lived how far from these people before the war? A We lived far enough to visit on Sundays.
- Q Did you know an old man over there on Caney by the name of Kidd? A No, sir.
- Q Was Dick Ratcliffe living at the breaking out of the war? A No, sir, I expect he was dead; there was one Ratcliffe died called his wife, I can tell you which one it was now, it has been too long.

Eliza Ratcliffe Cont'd 4.

Q Well, how near have you lived from Eliza since you got back, since the war? A I am living here at Big Creek and she is living on Lightning Creek.

Q That is as near as you lived since the war? A No, sir.

Q You don't know how near she has been living? A She will have to tell that herself.

Q Are you any relation to Eliza? A I am her aunt.

BY MR. MELLETTTE:

Q Well, now, Master, they had an epidemic of Small Pox at Fort Gibson about '63, didn't they? A Yes, sir.

Q Among the soldiers and people? A Yes, sir.

Q They had the small pox there several times? A Yes, sir.

Q What was it you said about being there? A I said we was there during the cholera and small pox too; I was in the hospital with Lieutenant Ayers as a nurse.

Q And you say she came up there from Neosho in 1866?

A Yes, sir, about four or five hundred negroes they brought back and I come around for her and they had to go farther up.

ELIZA RATCLIFFE,

~~XX XXXXXXXXXXXXXXXX~~, the Applicant recalled:

BY MR. MELLETTTE:

Q You said a while ago; do you remember about going with East Grinnett? A Yes, sir.

Q Do you know where you went? A I can't think of the name.

Q You don't know where you went? A I can't think of the name.

Q Is it a fact you can't remember anything now? A No.

Q You had had trouble about that have you? A Yes, sir; can't remember anything no longer than you speak to me.

BY MR. DAVENPORT:

Q How did you manage to get up here to enroll? A I enrolled when I was young.

Q How did you happen to be here to enroll? A I want to know what is going on about me.

Q You saw a notice that they would be here to enroll?

A Yes, sir.

Q You knew enough to come here and enroll? A Yes, sir.

BY MR. MELLETTTE: Your son Ellis is with you isn't he? A Yes, sir.

POLLY NIVENS, being sworn and examined by Commissioner T. B. Needles, testified as follows: EXAMINATION BY MR. MELLETTTE:

Q What is your name? A Polly Nivens.

Q How old are you? A 56 years old.

Q Where do you live? A Fort Gibson.

Q Are you on the 1880 roll? A Yes, sir.

Q Do you know the applicant, Eliza Ratcliffe? A Yes, sir.

Q How long have you known her? A I have known her ever since directly after peace was made.

Q Where did you see her directly after peace was made?

A In Fort Gibson.

Q Do you know whether she had any children at that time?

A I seen one with her.

Q What was it a boy or girl? A Boy, it is a boy.

BY COM'R NEEDELES:

Q Fort Gibson, in the Cherokee Nation? A Yes, sir.

BY MR. MELLETTTE:

Q Well, have you known her of late years? A Yes, sir, sometime

after that I seen her again.
 Q Where did you see her? A I saw her in Gibson, I don't know how long after that; I don't know how many times after that.
 Q Where does she live now? A I don't know.

BY MR. DAVENPORT:

Q You didn't know her before the war began did you, Au nt Polly?
 A No, sir.
 Q And didn't know her during the war? A No, sir, a while after the war I seen her.
 Q Sometime after the war you saw her? A Yes, sir.
 Q You don't know when it was? A No, sir.

GEORGE VANN, being duly sworn by Commissioner T. B. Needles, testified as follows:

BY MR. KELLIETTE:

Q What is your name? A George Vann.
 Q What is your age? A 51.
 Q Where do you live? A Verdigris river.
 Q Are you on the roll of 1880? A Yes, sir.
 Q As a Freedman citizen of the Cherokee Nation? A Yes, sir.
 Q Do you know the applicant, Eliza Ratcliffe? A Yes, sir, I have been knowing her about ten or twelve years.
 Q Where have you known her for ten or twelve years?
 A I first seen her at Eliza Sander's.
 Q In the Cherokee Nation? A Yes, sir, around Tahlequah.
 Q Where have you seen her since that? A Around Tahlequah district and up here.
 Q Where is she living now? A On Lightning Creek.
 Q Well, now, did you know a woman by the name of Yester that is claimed that was the Eliza Ratcliffe that is on the 1880 roll?
 A I used to know her a long time ago.
 Q Where did you know her? A Park Hill.
 Q What was her right name? A I don't know, never did hear any name but Yoster, that is the only name I have heard called.
 Q If she was ever called by the name of Eliza Ratcliffe you don't know it? A No, sir.

BY MR. DAVENPORT:

Q You never knew anything about these people durin ght ear?
 A No, sir.
 Q And before the Battle of Horse Creek? A No, sir.
 Q You didn't see any of them at all after that? A No, sir.
 Q Where was this woman Yoster living when you saw her?
 A She was living at Park Hill at old man Ross'; when I was a little bitty chap.
 Q That was before the war was it? A Yes, sir.
 Q Which one of the Rosses? A Chief.
 Q And how long before the war was that?
 A I don't know.
 Q You are sure it wasn't the Murrell place? A Old Chief Ross'.
 Q How far did old Chief Ross live from the Murrell place at that time? A I reckon it was a mile and a half or not so far.
 Q You didn't know where this woman was living at, you just happened to see a woman there before the war? A They said it was Yester.
 Q How do you know that is the same woman? A I don't know.
 Q You just happened to know a woman down there before the war?
 A Yes, sir.
 Q And when you answered Mr. Kelliette's question you said it was the same lady? A I don't know anything about the Yester woman going by any other name besides Yoster.
 Q Don't know whether she was a slave or not? A No, sir.
 Q How old were you when the war broke out? A I reckon I was ten or twelve years old, something like that.

ELIZ RATCLIFFE, being duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. MELLETTTE:

- Q What is your name? A Eliza Ratcliffe.
Q How old are you? A I don't know my age; I guess I am about 56 years old.
Q Well, what relation is the applicant to you? A She is my mother.
Q Is she capable of remembering dates and giving testimony?
A No, sir, she has about lost her memory.
Q Now, do you know whether she is on the ~~Kern-Clifton~~ Kern-Clifton roll or not? A Yes, sir.
Q Were you put on it? A Yes, sir.
Q Did you draw your money? A Yes, sir.
Q Did she? A No, sir.
Q How did it happen? A I don't know; there was a claim put in against it and stopped it.
Q Did some one else draw it? A Yes, sir; we went in at Claremore both of us; they asked me in the settlement if my mother was on the ground and I told them they was and my mother went up after I did.
Q Were you there when she tried to draw the money? A Yes, sir; I was out to Lightning, they give one of these horns there.

BY COM'R NEEDLES:

- Q Had someone else drawn the money when she went to get her money, A Yes, sir; I drew my own and when I went down to Tahlequah to her to draw hers someone else drew it.
Q Someone of the same name? A Yes, sir.

BY MR. MELLETTTE:

- Q Do you know who it was drew it? A I don't know, I think they claimed some lawyer there at Tahlequah; I think Weise was the administrator, claimed to be the administrator of old lady Yoster.
Q Was the old lady Yoster alive? A She had died before the taking of the census.
Q Before they made the Kern-Clifton roll? A Yes, sir.
Q Do you understand the administrator of that woman get in and drew it? A Yes, sir.

BY MR. DAVENPORT:

- Q How old are you? A I don't know, Mr. Davenport, I guess I am about 36 or 7.
Q You are not on the 1880 roll are you? A No, sir.
Q ~~How old were you~~ You were with your mother at that time?
A I was railroading in 1880.
Q How old were you in 1880? A Oh, I was old enough to railroad.
Q Well, about how old; you said 36 you were about 16 years old then in 1880? (No response.)
Q Now, you didn't try to enroll in 1880? A No, sir.
Q So then your mother enrolled, you don't know whether she applied to be enrolled in 1880 or not did you? A I don't know; mother wasn't there, she left there, she wasn't there; I suppose she must have enrolled.
Q Did you and your mother enroll together on the Kern-Clifton roll?
A Yes, sir, we went in there together on the Kern-Clifton.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of Eliza Ratcliffe, 76 years of age, marked dead, found on page 31, 4785. On page 177, 44345, is found the name of Eliza Ratcliff.

BY MR. MELLETTTE:

Q You had your children enrolled at the same time you were?

A Yes, sir.

Q On the Kern-Clifton? A Kern-Clifton.

BY MR. DAVENPORT: And your mother also? A Yes, sir.

BY COMMISSIONER NEEDLES: Did your mother have any minor children at that time? A She never had any children but me as I know of.

NELSON LOWREY, being called as a witness by Commissioner T. S. Needles, and being sworn and examined by Commissioner T. S. Needles, testified as follows:

Q What is your name? A Nelson Lowrey.

Q How old are you? A 40.

Q What is your post office address? A Yes, sir.

Q Did you ever know a woman by the name of Eliza Yoster? A Yes, No, sir.

Q Never did? A No, sir.

Q Did you ever know a woman by the name of Eliza Ratcliffe? A Yes, sir; her english name is Eliza Ratcliffe.

Q You know a woman called Yoster Ratcliffe? A Yes, sir/ better known as Eliza Ratcliffe.

Q Who was the administrator of her estate? A I was.

Q Well, did you draw money on the Kern-Clifton payment for one Eliza Ratcliffe? A Yes, sir.

Q Do you know that the Eliza Ratcliffe that you drew the Kern-Clifton money for was the Eliza Ratcliffe or Yoster Ratcliffe?

A Yes, sir.

Q How did you know it? A Well, because I have known Eliza Ratcliffe or Yoster Ratcliffe ever since I was a little boy.

Q Did you ever know of any other women by the name of Eliza Ratcliffe? A No, sir.

Q Do you know this woman that was on the stand? A Yes, sir.

Q Well, you know another Eliza Ratcliffe? A She was not known by that name; I knew her by the name of Ann Kidd.

Q Where did you know her? A I saw her in Tahlequah four or five years before the Kern-Clifton roll was made.

Q Is the name of Eliza Ratcliffe for whom you were administrator on the roll of 1880? A Yes, sir.

Q Do you know of your own personal knowledge that that is the Eliza Ratcliffe you were administrator for? A Yes, sir.

Q How do you know that? A I know the man that enrolled her.

Q Who was that? A John M. Sanders; she died a little while before the payment was made; there was a Cherokee fellow by the name of Joe Smith come there to administer on her estate and he could not talk english very well and the Judge told me I had better administrator on the estate and pay it over to the Cherokee.

Q Have you got the letters of administration? A I have got it at home.

Q In what name are the papers? A Eliza Ratcliffe.

Q Does the name of Eliza Yoster appear thereon? A No, sir; we had a great deal of trouble about it and I went to the Judge and I told him I wanted to be released and he says I will stand between you and all damages.

Q You say you knew this Eliza Ratcliffe several years before the Kern-Clifton was made was the one you called Ann Kidd? A Yes, sir.

Q Do you know she was enrolled on the Kern-Clifton roll as Eliza Ratcliffe? A No, sir; I didn't know whether she was enrolled at all or not.

Q Did you hear it when you drew this money? A Yes, sir, I had a lawyer there, John T. Parks, and I had him to put in a protest.

Q Then you heard of it? A She drew another old lady's money.

Q Whose? A Some Ann Ratcliffe's, I think on Lightning Creek.

Eliza Ratcliffe 8.

Q What business was that of yours if she drew some money of some one else? A I thought she might draw this money.

Q You had heard of it then? A Yes, sir.

Q You knew this woman claimed that money? A Yes, sir.

Q And you got a lawyer to help you get it? A No.

Q You say you employed him? A Yes, sir.

Q To work out the tangle that was about it? A Yes.

Q Was this old lady here, Eliza Ratcliffe, present when you drew this money? A No, sir, I don't know whether she was or not.

Q Do you know whether she had been there or not? A No, sir.

BY MR. BELLETT:

Q Now, what did you do with that money? A I could not tell just what I done with it; I paid some to this fellow Smith and Carlile, I could not tell exactly without my receipts.

Q Was any heirs of that woman? A Yes, sir; there was a young fellow that claimed her to be his grandmother.

Q What was his name? A York Eastmas.

Q Did you have any settlement in the Cherokee Courts? A Yes, sir.

BY COM'R NEEDLES: Were you appointed Administrator by the Cherokee Court or United States Court? A By the Cherokee Court.

BY MR. BELLETT:

Who did you pay that money to? A Only two men I can remember now, is Joe Smith and Carlile.

How much did you pay those fellows? A I paid Smith \$100.00 and Carlile about ten or twelve dollars for a voffin.

Q You said there was an Ann Ratcliffe there at the time the payment was going on? A I said Aunt Ann Kidd.

Q Who was the lawyer? A Jeff Parks.

Q I want to know what you said about that woman, Ann Ratcliffe; you called this woman Ann, now you said you knew her by the name of Ann Kidd, who did you ever hear call her Ann Kidd? A I heard myself call her that.

Q Who else did you hear call her Ann Kidd? A Maybe several others.

Q Now, you name another one that you heard call her Ann Kidd?

A Yes, man by the name of Henry Hawkins.

Q Where is that? A At Fort Gibson.

Q Now, someone else? A His wife.

Q Who is Henry Hawkins? A John Wilson's liver stable man.

Q You heard him call her Ann Kidd? A Yes, sir.

Q You never heard her called Eliza Kidd? A She always called by the name of Aunt Ann.

Q What woman did you have up there when you drew that money?

A Never had any woman up there.

Q You didn't take this woman that pretended to be Ann Ratcliffe with you? A No, sir.

Q What did you employ a lawyer for, to help you get the money?

A Because I thought I might need a lawyer.

Q You were afraid this woman would get it? A No, sir.

Now, when did this woman that you claim here as Ann Ratcliffe when did she die? A Sometime in '96, right after the Kern-Clifton enrollment in 1896.

Q Do you swear to that? A Yes, sir; she lived 12 miles from me, all I know is what is told me.

Q Did you know her before that? A Yes, sir.

Q How did you happen to be administrator? A Because that Cherokee fellow come in there and he could not talk english very well and I happened to be in the Judge's office and he.

Q Didn't you conform a conspiracy right then to get that money?

A No, sir.

Q How much money did you draw? A Two hundred and some odd dollars.

Q Well, now who did you give the hundred dollars to; you say you give about a hundred dollars to one man?

give a hundred dollars to one man? A Cherokee man, his name is Joe Smith; I don't know his Cherokee name.

Q Where is Joe Smith? A He is in Tahlequah District.

Q Was he any relation to her? A No, sir; he was a full blood Indian and lived with this woman.

Q She didn't live with him? A Yes, sir.

Q How do you know she did? A I saw her at his house.

Q And you paid him that money? A Yes, sir.

Q How did you happen to pay him the money? A Because he came to present his account.

Q And you paid it? A No, he swore to it before the Judge.

Q What did you do with the other money? A I paid it out to other fellows.

Q What other fellows did you pay that money to? A I paid to Carlile.

Q Where does he live? A Tahlequah, on Caney.

Q Is he living? A Yes, sir.

Q How much did you pay to him? A Ten or twelve dollars.

Q Now that is ten dollars, now who else did you pay to?

A I can't tell you without receipts.

Q You didn't pay out any more of it did you? A Yes, sir, I have got receipts for it.

Q Now, give the names of some other? A I can't remember it.

Q Did you pay it to the heirs of the deceased woman? A She had no heirs except this grand son and I told you the Judge notified him two or three times to come there and prove he was an heir of this Eliza Ratcliffe and he never done it.

Q Well, now, she didn't owe any debts? A This man come up for taking care of her.

Q You said you paid him about a hundred dollars and that paid him off; if she didn't owe for her doctor bills and funeral expenses; who did you pay the other now? A I don't know, I I don't remember any others.

Q Well now let's leave the doctor bills out of it; now who did you pay for funeral expenses? A I paid Carlile for the coffin.

Q Well, now, who did you pay, anybody else? A I don't know.

Q She didn't owe anything? A No, sir.

Q Who then did you pay that money to? A I told you I paid it to different people; I can't tell you without receipts.

Q Well, now, she didn't owe anything and you paid the funeral expenses and paid Smith \$100? A I can't remember any more without the receipts.

Q Well, now there is about one hundred and twenty-five or thirty dollars who did you give that? A I can't remember.

Q Well, now, where does this Joe Smith live? A He lives in Tahlequah District.

Q Do you swear that he is no relation of this woman, Eliza Ratcliffe? A I told you he was a full blood Indian.

Q Did you ever see him at his house? A Yes, sir.

Q What were you doing there? A I was working cattle with Henry Woods.

Q What year were you over there, before that? A Yes, sir.

Q Well, Lowrey, you can't account for anything about that money?

A Yes, sir, if you go and look at the records, that is the place to go to see after it.

Q And you swear now that you can't tell what you did with any more of that money except what you paid to Joe Smith and this other man that you paid ten dollars for a coffin? A I told you I had receipts there to account for it.

Q Well, now, she didn't owe anything? A She could not owe anything, she was dead.

Q She didn't owe any debts? A No, sir.

Q If she had any debts you don't know anything about it; and she had no heirs; now who could you paid it to? A Paid it to the man; I paid to the man that took care of her.

Q Didn't you join into a scheme to get this money and divide it up?

A No, sir.

Eliza Ratcliffe, Cont'd 10.

Q How long ago has that been, Lowrey? A '97 I believe somewhere along there.

BY COM'R NEEDLES:

Q Did you know this Eliza Ratcliffe before she died for whom you were administrator? A Yes, sir.

Q Was she a Cherokee or Colored woman? A She was a colored woman, lived and raised with the Cherokees.

Q When did she die? A She died some time in 1896, right after the enrollment.

Q After the Kern-Clifton enrollment she died? A Yes, sir.

Q Are you sure of that? A Yes, sir; because there was a fellow by the name of John M. Sanders, I am going by what the Judge said.

Q Judge who? A George Robinson.

Q Was Judge Robinson taking the census? A No, sir, he went up there with Sanders as a witness.

Q Did he tell you that Sanders had enrolled this woman in 1896?

A Yes, sir.

Q Enrolled her as Eliza Ratcliffe? A Yes, sir.

Q You never heard her called Yoster at all; that was her Indian name was it? A Yes, sir.

BY MR. MELLETT:

Q You don't know when she died this old woman, Eliza Ratcliffe?

A No, sir.

Q Don't you know that she died before the Kern-Clifton enrollment?

A No, sir.

Q You don't know that she didn't? A The papers will show.

BY COM'R NEEDLES:

Q You don't know that she was enrollee in 1896? A No, only what the Judge told me.

Q Judge who? A Robinson.

Q How did he happen to tell you she was enrolled? A He was up there; that Indian was up there when we administered on her estate.

Q He was saying she was enrolled in 1896? A Yes, sir, he got John M. Sanders to enroll her.

Q Did she live with this Indian? A Yes, sir; she lived with Joe Smith.

Q Now, she lived with Joe Smith? A Yes, sir.

Q And Smith was the man you paid the hundred dollars for?

A Yes, sir.

Q Then Joe Smith was active in having her enrolled in 1896 on the Kern-Clifton roll? A Not, Smith, John M. Sanders.

Q What did he have to do with it? A He came to enroll for this full blood Indian.

Q You were not appointed administrator until after 1896?

A No, sir.

Q Sanders was tending to having her enrolled, not Joe Smith?

A Yes, sir, he was a full blood Indian and lived with the Indians around there.

Q Was this Eliza Ratcliffe for whom you were administrator a slave?

A Not of my own personal knowledge, I have heard she was.

Q Whom did you hear she belonged to? A Some Ratcliffe that lived in twelve miles of the old lady a long time.

Q Does anybody know who she lived with in 1896? A No, sir, I don't.

Q Was she ever married? A I don't know whether she was married or not.

Q Don't know about that? A No, sir.

Eliza Ratcliffe Cont'd 11.

BY MR. SMITH, of Counsel for Applicant:

Q When you spoke a while ago in your testimony about John Sanders or Judge Sanders having this ~~body~~ Eliza Ratcliffe or Yoster enrolled, did you have reference to the 1880 roll or 1896 roll?
A I don't know which roll it was; the Judge told me that John Sanders enrolled her, I don't know which roll he put her on.

EASTER EKIM WILLIAMS, Witness, recalled:
BY COUNSEL NEEDLES:

Q Did you ever know anybody named Redbird McCarty?
A Know a Redbird up in Flint.
Q Do you know whether he was McCarty or not? A No, sir.
Q Did this Eliza ever live with this Redbird that you know of?
A She lived with Sanders.
Q Did she ever live with this Redbird that you know?
A No, sir.

NELSON LOWREY, recalled:
Q Did you ever know a man by the name of Redbird McCarty?
A Yes, sir.
Q He was an Indian was he? A Yes, sir.
Q Do you know whether this Eliza Ratcliffe for whom you were administrator ever lived with Redbird McCarty? A Yes, sir.
Q When did she live with him? A Yes, sir, it was in the spring I believe of '96, there was a lot of us went up to Ferguson's and she was there with Redbird McCarty.
Q That was in 1896? A Yes, sir.
Q Do you know how long she had lived with Redbird McCarty?
A No, sir.
Q You don't know whether she had lived with Redbird McCarty twenty years or not? A No, sir, sometimes I would see her on the river and sometimes with the Indians.

EASTER WILLIAMS, recalled: BY MR. MELLETT:

Q Where did Redbird McCarty live? A I didn't know his name was Redbird McCarty, I knew he was called Redbird. My niece here carried a horn, they was giving horns when they were paying this \$1550 and she carried her horn.
Q That were the horns to identify them? A Yes, sir.
Q It would be given for them to draw their money by like a ticket?
A Yes, sir, and so he drawed the money on false pretenses.

The 1880 Authenticated Roll of Cherokee Freedmen examined and on page 802, #1963, Tahlequah District, appears the name of Eliza Ratcliff, adopted colored, 60 years of age, with this note: "Lives with Redbird McCarty," and marked "dead."

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and on page 31, #785, Tahlequah District, appears the name of Eliza Ratcliffe, 76 years of age, marked "dead," (Mark "dead" was on the rolls when come in the possession of this Commission.)

COLUMBUS LASLEY, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Columbus Lasley.
Q What is your post office? A Tahlequah.
Q What district do you live in? A Tahlequah District.

BY MR. DAVENPORT:

- Q Are you a Freedman of the Cherokee Nation, Columbus? A Yes, sir.
- Q How long have you lived in Tahlequah District? A I have lived in Tahlequah District I expect near 30 years.
- Q Have you ever been up on Caney and around in that country there in Tahlequah district? A Yes, sir.
- Q Did you ever know a man by the name of Redbird McCarty who that lived in that district? A No, sir.
- Q Never knew him? A No, sir.
- Q Did you ever know a woman by the name of Eliza Ratcliffe in that district? Yes, sir, I knowed a woman.
- Q About how old was she? A She was an old lady.
- Q Do you know whether she is living or dead? A She is dead.

BY MR. HELLETTE:

- Q When did she die? A She died since this enrollment, the Kern-Clifton enrollment.
- Q You were one of the bondsmen for Lowrey when he was appointed administrator of that estate weren't you? A I don't know, I have went so many bonds I can't remember how many bonds I have went on.
- Q Isn't it a fact you were a bondsman of Lowrey? A I don't know, I might have been.
- Q Did you ever get any of it? A No, sir, I didn't have any business with any of it.

BY COM'R NEEDLES:

- Q You say she is dead? A Yes, sir.
- Q When did she die? A She died since this Kern and Clifton enrollment.
- Q Where did she die? A Up on Caney.
- Q Were you at her funeral? A No, sir.
- Q Did you know exactly when she died? A No, sir.
- Q How long after 1896 did she die? A I don't know how long.
- Q Do you know positively that she died before 1896? A She died since 1896.
- Q Well, how long since? A I could not tell you just how long.
- Q What makes you think she died since 1896? A I heard she died.
- Q Was she dead in '94? A I don't know whether she was or not.

BY MR. HELLETTE:

- Q When did you first hear that that Eliza Ratcliffe was dead? A I said since the Kern-Clifton Commission.
- Q Why was it think it was; begin to say the first dash out of the box that it was after the Kern-Clifton enrollment? A I heard it was after that.
- Q When did you see her before that? A Five or six years before that.
- Q You hadn't seen her for five or six years, how do you know when she died? A Only by hearing she died.
- Q How far did she live from you? A She lived 12 or 15 miles.
- Q You don't know when she died do you? A No, I said I heard when she died, I didn't see her die.

The Wallace Roll of Freedmen of the Cherokee Nation examined and on page 84, #1784, Tahlequah District, appears the name of Eliza Ratcliffe, with this note: "Died after May 3, 1894."

ELIZA HATCHLIFFE, the applicant, recalled:
BY COM'R NEEDLES:

Q Did you ever live with Redbird McCarty? A No, sir, I did not.
Q Did you ever know Redbird McCarty? A No, sir.

NELSON LOWREY recalled:
BY MR. MELLETTTE:

Q You say this Eliza Hatchliffe you speak of lived with full blood Indians? A Yes, sir.
Q She was a colored person? A Yes, sir.
BY COM'R NEEDLES: Was her father a Cherokee? A I don't know.
Q Don't know who her mother was? A No, sir.
BY MR. MELLETTTE: Now, a little further about this Redbird McCarty, where did he live? A I told you he lived over on Caney in Tahlequah District.
Q Was he a recognized Cherokee? A Yes, sir.
Q Did he have any other names? A No, sir.
Q Where did he live designating the place a little more distinctly?
A On Caney in Tahlequah District, his post office would be Wauhatchie.
Q When did you see this woman at his house, how many years ago?
A Somewhere along in 1896.
Q You are certain of that? A Yes, sir.
Q You saw the woman there and you saw the Redbird in 1896?
A Oh, I saw him since that, I saw him when I was settling up with him.
BY COM'R NEEDLES: Do you know whether Redbird McCarty is alive or not? A I haven't seen him for two or three years.
Q Was he alive in 1894? A Yes, sir.
Q Don't know whether he drew his money in 1894 or not do you?
A No, sir.
BY MR. MELLETTTE: You said she lived with a man by the name of Joe Smith? A No, I said Redbird McCarty.
Q Didn't you say you paid Joe Smith for taking care of her?
A No, I say I paid Redbird McCarty.
Q You said you paid Joe Smith a hundred dollars?
A I might be mistaken.
Q Can't you know you said that? (No response.)
Q Don't you remember that you said you paid Joe Smith and you said now that you hadn't seen Redbird McCarty since you were settling up with him? A I can't remember very well, more than I have got a record over at Tahlequah to show for itself.
Q You could not have been at both houses, Joe Smith and Redbird McCarty's; but the reason you said you saw her at Redbird McCarty is because there is a note on that 1880 roll, isn't that it?
A No, sir.
Q You didn't pay Joe Smith anything did you? (No response.)
Q Swear now, say you paid Joe Smith anything or not?
(No response.)
Q Let's have it now, whether you paid Joe Smith anything or not?
A I paid some full blood Indian.
Q But you don't know who it was? A He was the man I spoke of a while ago, the first man I spoke of a while ago.

BY COM'R NEEDLES:

Q You know Joe Smith don't you? A Yes, sir.
Q And you know Redbird McCarty? A Yes, sir.
Q You know both? A Yes, sir.
Q You didn't pay both? A No, sir.

BY MR. MELLETTE: Did you pay either one of them? A I paid one of them.

BY COM'R NEEDLES: How much did you pay the lawyer?

A I never paid him anything.

Q The lawyer worked for nothing? A No, sir.

BY MR. MELLETTE: Didn't he make a trip up there? A Me and him sold some horses together and he collected.

Q What was that lawyer's name? A Jeff Parks.

Q He never charged you anything? A No, sir.

COM'R NEEDLES:--Eliza Ratcliffe applies for the enrollment of herself. She avers that she was a slave of one Dick Ratcliffe a Cherokee citizen. She avers that she returned to the Cherokee Nation in 1866 and presents testimony to that effect. She states that she lived in the Cherokee Nation until after the Cholera and about the time the cholera was raging at Fort Gibson she went out. It appears from the testimony that the Cholera near Fort Gibson was in 1867. It is evident that her recollection upon these matters is imperfect, but satisfactory proof is made that she was a citizen of the Cherokee Nation in the year 1866, and was a resident here. Upon examination of the roll of 1880 it is found ~~in marked~~ that one Eliza Ratcliffe is enrolled according to the page and number of the roll as indicated in the testimony, and is marked dead; the mark "dead" was placed opposite her name upon the roll of 1880 by this Commission upon information given by one Nelson Lowrey, who avers that he was the administrator of the estate of one Eliza Ratcliffe and that she was dead. The name of Eliza Ratcliffe is also found upon the Kern-Clifton roll and the word "dead" is opposite her name; that being the condition when the roll was received by the Commission. The mark "dead" having been placed opposite her name by the Cherokee authorities it is presumed, and it was doubtless done before said roll was in the office of this Commission. It is claimed and testimony to that effect is given by Nelson Lowrey that the Eliza Ratcliffe whose name appears upon the authenticated roll of 1880 and upon the Kern-Clifton roll is the Eliza Ratcliffe for whom he was administrator and whom he knows to be deceased. It is claimed on the other hand that the deceased person for whom said Nelson Lowrey was administrator was one Eliza Yoster or Yoster Ratcliffe, whose name is not found upon the authenticated roll of 1880, and that the funds due Eliza Ratcliffe by the enrollment on the Kern-Clifton roll was unlawfully drawn by the said administrator, and that for some cause the Eliza Yoster for whom the said Nelson Lowrey was administrator named, never was upon the Kern-Clifton roll, nor upon the authenticated roll of 1880. The evidence in the case is conflicting and reference is made to the testimony. The applicant claims citizenship both by the fact that she was a slave and was in the Cherokee Nation in 1866 and resided here ever since, and also from the fact that she is enrolled upon the roll of 1880 and should be listed for enrollment for that reason. The said Eliza Ratcliffe will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, awaiting further consideration of the Commission. She will be notified of the action of the Commission by mail when the same is consummated.

Eliza Hatcliffe Cont'd 15.

J. O. Fosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Fosson

Described and sworn to before me this 27th day of June, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I.T., June 12, 1901.

In the matter of the application of Eliza Ratliff for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Mr. Mellette, of Mellette & Smith, for the applicant/
Mr. Davenport, for the Cherokee Nation.

Q What is your name? A Eliza Ratliff.
Q How old are you? A About 60 I guess.
Q What is your post-office address? A Welch.
Q Is your name on the authenticated roll of 183? A It is on all the rolls.
Q Who do you want to enroll besides yourself? A Nobody else.
My son can enroll himself.

1830 authenticated roll of citizens of the Cherokee Nation examined for applicant and name not found thereon.

Q Did you ever draw any money? A No sir. Another man drew it for me.
BY MR. MELLETTE:
Q Eliza, where did you live during the war, before the war?
A At Ratliff's.
Q What Ratliff? A Old Dick Ratliff.
Q Where was that? A On Cane Hill.
Q Where is Cane Hill? A That's all I can tell you, just Cane Hill.
Q Cherokee nation? A Yes sir.
Q Was he a Cherokee Indian? A I was just hired to him.
Q Who was your owner? A Dick Ratliff.
Q Who was it you was hired to then? A Hired to Kidd.
Q Dick Ratliff was a Cherokee Indian? A Yes sir, he was a full-blood.
Q Where did he live? A On Cane.
Q In the Nation? A Tahlequah District.
Q Tahlequah District, Cherokee Nation? A Yes sir.
Q And you were hired out? A Yes sir.
Q To a man named Kidd? A Yes sir.
Q Now during the war where were you? A I was down on Cane I think, with Mr. Leach.
Q Did you go out of the Cherokee nation during the war? A I went down on the Salt Works with Mr. Leach.
Q What nation was that in? A On ~~Salt~~ Saline river.
Q In what nation? A In the nation here.
Q Did you go outside of the nation at any time during the war?
A Not until after the cholera broke out.
Q Where did you go then? A Went to, I forget the name of the place.
Q In what state? A Up north.
Q Who went with you? A L.D. Daniels.
Q He was driving the Government wagon.
Q Do you know Master Grimmett? A Yes sir.
Q Was she with you? A Yes sir.
Q Is this your paper here? (Hands applicant paper.) A Yes sir.
Q Who gave that to you? A I got it from the, the men give it to me at the payment.

Mr. Mellette: I desire to introduce a certificate here from the chief of the Cherokee Nation. (Hands paper to Mr. Davenport.) These are authenticated copies.

Mr. Davenport: I object to the filing of these papers, copies, because the records are in existence and if there is

such a thing as that. I can get the original; besides, they
 don't carry that in the American Museum.
 (The original is in the collection of the Smithsonian Institution; the
 original is in the collection of the Smithsonian Institution.)

Q You said you went out of the Cherokee Nation at that time?
 A Yes, I did. I went out of the Cherokee Nation at that time.
 Q Where did you go to? A To Gibson.
 Q Did you go to the Horn-Cliffen Commission? A Yes sir.
 Q Were you employed? A Yes sir.
 Q Did you see any one? A Yes sir.
 Q Who? A Somebody drew it for me.
 Q You know what that was? A Indeed I don't.
 Q You don't know who got it? A No sir.
 Q Did you see any one? A Yes sir.
 Q You said you went out of the Cherokee Nation at that time?
 A I don't know the date, I don't know what time.
 Q You said something about the time the cholera broke out? A Yes
 sir, the cholera broke out there in Gibson.
 Q That was after the war? A Yes sir.
 Q That was about 1867 when the cholera broke out there wasn't it?
 A I guess it was.
 Q How long did you stay out when you went out? A Just about two
 years I guess.
 Q To what point did you go? A I went north.
 Q You know where to? A I don't know the name now; I worked awhile
 there; no I can't tell you the name of it; I never was questioned
 before.
 Q You don't know where you went? A Just went up north.
 Q Who did you say your master was when the war broke out? A Old
 Dick Hatliff.
 Q You worked for a man named Kidd at Cane Hill? A Yes, that was be-
 fore the war.
 Q When the war broke out where were you working? A I was working at
 Cane Hill the same.
 Q That's over in Arkansas? A Yes sir.
 Q And you were working at Kidd's? A Yes sir.
 Q Did you ever go back to Dick Hatliff's? A Yes sir; I was working
 at Mr. Lead's.
 Q What Lead was that? A She was a Cherokee, full-blood.
 Q What was her father's name? A I don't know.
 Q Where did she live? A On Cane Creek, on the other side of
 Cane Creek.
 Q In what district? A Tahlequah District.
 Q Where is Cane Creek in Tahlequah District, what direction from
 Tahlequah? A East of Tahlequah.
 Q How far is it from Illinois River? A It is I guess nearly fifty
 miles.
 Q Nearly fifty miles from the Illinois river? A I don't know, I can't
 tell you anything about it.
 Q Where have you been living since you came back from wherever you
 went after the war? A In Gibson and round about.
 Q Where does the round about part of it come in? A 14 mile
 Creek, just been working around, with nobody, just had myself and
 little child, and just been working around.
 Q Who have you been living with much on 14 Mile Creek in Tahle-
 quah District? A Percy Sanders.
 Q What other families were you with? A Irvin Vann.
 Q Where are you living now? A Living here on Lightning Creek.
 Q How long have you been living on Lightning Creek? A About three
 months.

Miss Ratliff 3

Q Where did you come from to Lightning Creek? A White Oak Hill.
Q How long did you live in Lightning Creek? A Oh I don't know exactly how long.
Q How long did you live there? A Three or four years.
Q Where did you live before Lightning Creek? A Went from there to Coffeeville, Littleville and Smithville to be so. I have just been living at all everywhere pretty near.
Q How long have you lived in Kansas? A About three years.
Q When was the first time you lived in Kansas? A I never lived in Kansas before.
Q Where was that at Coffeeville? A I never lived in Coffeeville.
Q What is the name of the place you lived in? A I don't remember the place, but I lived in Kansas awhile.
Q You was grown when you went to school? A Yes sir, I was grown, but I have never been questioned, so I don't know.
Q You don't know when you came back? A Yes sir, I came back direct after the war.
Q You didn't go until after the war did you; you said you went when the cholera broke out, but the cholera didn't break out until '67 did it? A I guess.

BY MR. CLAYTON:

Q Are you the Eliza Ratliff whose name is on the roll of 1890?
A I am the Eliza Ratliff.
Q Where does she appear on the roll of 1890? A Yes sir.
BY MR. DAVENPORT: I object to that, as being immaterial in this.

Applicant: I can prove it by a hundred people.

Q Who put you on the roll of 1890? A Andrew Sanders, old man, and Patsy Sanders, on the roll of 1890.
Q Is she dead? A Yes sir.
Q What was Andrew's name? A Andrew Sanders.
Q What relation was Patsy Sanders to you? A We were sister's children.
Q And what was Andrew's name? A Andrew Sanders.
Q What relation was he to you? A He is married my niece.

MR. HENNING: I would like for the records to show that Patsy Sanders is on the 1890 roll.

Mr. Henning: They are only cousins.

Mr. Clayton: Well, that's all.

BY MR. HENNING:

Q Where were you born? A In Ohio.
Q You were a born slave? A Yes sir.
Q Where in the Cherokee Nation? A Yes sir.
Q You never went out of the Cherokee Nation until the year of the cholera? A Yes sir.
Q You lived there all during the war, in the Cherokee Nation? A Yes sir.
Q The year of the cholera was about '67 or '68? A Yes sir.
Q Then you went out? A Yes sir.

BY MR. CLAYTON:

Q When you went out with Master Grimmett, what year was it? A She may remember the year, but I don't.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and drafted his in this case and that the foregoing is a true and complete transcript of his stenographic notes.

Subscribed and sworn to before me this June 28, 1901.



Commissioner.

Rest of this case taken by stenographer J.O. Rosson.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 20, 1901.

In the matter of the application of Eliza Ratcliffe et al. for
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Mellette & Smith, attorneys for applicant;
W. V. Hastings, of counsel for Cherokee Nation.

J. W. KIDD, appearing before the Commission and being duly
sworn and examined, testified as follows:

Mr. Hastings: What is your name? A J. W. Kidd.

Q What is your age, Mr. Kidd? A I am 56 years old.

Q What is your postoffice? A Clyde, Washington County, Arkansas;
Cane Hill is nearer, but I live near Clyde, one mile this side.

Q What was your father's name? A Tandy K. Kidd.

Q Where did you live before the war, you and your father? A I
lived in Washington County right in Cane Hill.

Q Near where you live now? A Yes, sir.

Q Did your father have a slave before the war named Eliza Ann?

A Well not as for the Eliza part I don't recollect that, we always
called her Ann.

Q You know where your father got her? A Got her out of the Cherokee
Nation.

Q And you know from whom? A Ratcliffe.

Q Do you know whether or not your father owned, or whether he had
her hired? A He owned her.

Q Did he own her when the war came up? A Yes, sir.

Q How long had he owned her when the war came up? A Well now I
don't recollect, I was small, it was some time though before the war;
I can't recollect dates at all.

Q As much as four or five years or more? A Yes, sir.

Q More than that? A Yes, sir.

Q What became of her during the war, Mr. Kidd? A Well when the
war came up we carried our negroes south and we first stopped in
Montgomery County ten miles from Mt. Ida.

Q Is that in Arkansas? A Yes, sir.

Q Well? A We stayed there, as well as I recollect, about 2 years,
and then we moved down into Saline County, I believe it is called.

Q Is that in Arkansas? A Yes, sir, still in Arkansas; went
sorter down by the Saline Salt Works.

Q And that was in Arkansas? A Yes, sir; and we stopped there
and run the salt furnace there for sometime, and then we moved from
there to Clarksville, Texas, Red River County, and we stayed there
on the Jackson farm, as well as I remember, a year, maybe two years,
until the war closed at any rate; we stayed there till the war closed
and after the war closed I was at home here and our teams and negroes
were all out there, and I went myself out after the teams and brought
back all of our old darkies that wanted to come home, and Ann and
Ellis Kidd; he was born before the war, I don't remember his age
though.

Q Now who was the mother of Ellis? A Ann.

Q Did Ellis go these routes with his mother? A Yes, sir; and I
brought them back to Van Buren and they wanted to stop off there,
and several of the old darkies stopped off, and some went home.

Q You left them in Van Buren? A Yes, sir.

Q When was that? A It was the year the war closed.

Q In '65? A Yes, sir; I left her down there, and I was down
there some four years, five years maybe, after that, I don't recollect,
and I want to see Ann, she was our cook, my father's cook before the war.

Q Well, was she there then? A Yes, sir.

Q That was four or five years after you left her there? A Yes, sir.

Q Her boy there? A Yes, sir.

Q Ellis? A Yes, sir, I suppose so, I never saw him, I saw his mother, I think he was out somewhere she told me, I disremember now.

Q Did you ever see her after that? A Never seen her since.

Q You don't know where she has been living since that? A No, sir, I don't know.

Q You say Ellis was born before the war up at your place? A Yes, sir.

Q He went the routes with his mother and came back and you left him at Van Buren with her? A Yes, sir.

Q They were slaves of your father when the war came up? A Yes, sir.

Mr. Mellette: How old are you? A I am 58 years old.

Q Do you know the applicant here, Eliza Ratcliffe? A I know Ann, I don't know whether her name was Eliza or not, we never had that name in the family, we always just called her Ann.

Q You don't know whether the applicant for enrollment here is the person you are talking about or not? A Well I don't know only from the evidence I have heard since I have been here; I left her at Van Buren and I haven't saw her since five years after I left her there.

Q How long ago since you have seen the woman you are talking about? A Oh, it has been, I don't recollect; it was some four or five years after I left her there.

Q Well that must have been five or six years after the war? A Yes, sir, I guess it was, four or five or six, along there.

Q You haven't seen her since? A No, sir, not since I made her a visit.

Q You ever seen the boy? A Never have since I left him there.

Q Ellis? A Never have seen him.

Q Do you know a man by the name of Leech? A Leech, yes, sir, there was several families of Leeches living about Kane Hill.

Q Do you know a Leech that lived in the Cherokee Nation? A Yes, sir, that is his given name.

Q I don't know his given name? A That is the family of Leeches there that has been there years and years.

Q How old were you when the war broke out? A Well I was born in '45.

Q You were about 15 years old? A Yes, sir, about 15.

Q Did you stay at home all the time? A No, sir, the latter part of the war, well I was backwards and forwards; before the war I was at home all the time; before the war.

Q Up to the beginning of the war? A Yes, sir.

Q Who attended to your father's business? A Why my oldest brother after his death.

Q When did your father die? A He was killed in Boonsboro the first year of the war.

Q How do you know that your father bought this woman you are talking about? A I just heard him say it as all I know about it, I didn't see him buy her or pay for her.

Q It was just the talk? A Yes, sir, I know she stayed with the family all the time until the war closed.

Q How many slaves did you take south? A I don't remember, it seems to me there was a good big drove of them.

Q About how many? A Why I can sit down and count them up, but I don't recollect thirty years back all of them.

Q Well, what was their names? A Well, there is one her name was Fannie, she was a house woman there to, and the men folks was Sam, Peter, and two Docs, I distinguished them by Long Doc and Doc Grady.

Q Well, that all you can remember? A Oh no, there was Bob, Harriett, she is dead, and Ellen, Carolina and her children, I forget their names.

Q All you know about this applicant, or about the woman you are tes-

...dying about, is that her name was Ann? A Yes, sir, I know her name was Ann, and she stayed with us till after the war closed.

Q Now where was she when the war broke out? A She was in Cane Hill in Washington County.

Q How far is that from the line? A Well, it is just six miles from Dutch Mills.

Q Dutch Mills in the Territory? A No, sir, it is in the State, Washington County.

Q Then what made you mention Dutch Mills? A Well, it is near the line; you asked me how far from the line, and I told you about six miles from Dutch Mills, that is right on the line.

Q Well did this woman Ann that you speak of ever go over into the Territory during that? A Never, I don't reckon.

Q I am not asking what you would reckon, I want to know whether she did or not? A No, I don't reckon she ever did, I can't tell that certain; you see all that has been a long time ago.

Q Do you remember when she came to your father's house? A Yes, I remember the time when my father brought her there; the man that sold her.

Q Do you know the man that sold her to him? A No, sir, I don't know him, she always called him Mr. Ratcliffe, I don't know his given name or anything about that.

Q Did you hear any trade between your father and this man for her? A No, sir.

Q Then you don't know of your own knowledge that your father bought this woman Ann at all? A Nothing more than hearing him talk about it at home, didn't see the trade made; my father bought a great many darkies about that time.

Q Now when you left Cane Hill during the war, where did you go?

A We went first to Montgomery County near Mt. Ida, ten miles from Mt. Ida on the South Washita.

Q Did you go into the Indian Territory? A No, sir.

Q How old a woman was Ann at that time? A I don't know her age, she was a woman grown though when my father bought her and she came there.

Q When was this boy Ellis born? A Well I don't recollect when he was born, he was a right smart kid when we went out; I recollect the little fellow, we used to hire him to dance, when he was five or six years old.

Q Well, where was he born? A At Cane Hill at my father's home.

Q How many years before the war? A I don't know, I guess two or three years, I don't recollect.

Q And before you went out you used to hire him to dance? A No, when we were out on the road, the boys would hire him to dance, he was a little fellow.

Q Then he must have been about five years old when you went out?

A Well I don't know, well it was somewhere along five, I can't tell; as I said, I can't recollect dates, I just remember the woman that we called Ann, she was my father's cook for years.

Q You don't know anything about this man Ratcliffe? A No, sir.

Q How many slaves did your father have ~~was~~ from the Indian Territory? A Let me see; he owned her and one from the Creek Nation; I believe that was all that was from the Territory, just then two I think; all I can recollect.

Q What was your father using the slaves for there at Cane Hill?

A Farming.

Q Raising cotton? A No, sir; no, sir, grain.

Mr. Hastings: Were there any other kids that lived at Cane Hill, Arkansas, except your family, before the war? A No, sir.

Q None? A No, sir, none in Washington County.

Q That was the only slave your father got from a man by the name of Ratcliffe? A Yes, sir, the only one I have any recollecting of buying out of the Nation, except this Creek.

Q You know that he owned her like you know that he owned other

property? A Yes, sir, he owned her as other property.

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CHARLES M. McCLELLAND, appearing before the commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Charles M. McClelland

Q How old are you? A I am going on 56.

Q Where were you born? A Cane Hill, Arkansas.

Q Where were you living the first few years before the war?

A Cane Hill.

Q You lived there from the time you were born up to the war, most of the time? A Yes, sir.

Q You know this man Kidd that has just testified? A Yes, sir. Ann Kidd, we were raised right together.

Q Did you know his father? A Yes, sir.

Q You were brought up together? A Yes, sir, we were brought up quarter and a half mile apart.

Q Did you know a slave that they owned before the war, by the name of Eliza, or Ann? A I didn't know Eliza, I knew a girl they named Ann.

Q You know where they got her? A No, sir, only by hearsay.

Q Well, do you know whether she came from the Cherokee Nation?

A That is what I always understood.

Q Did she have a child? A Yes, sir.

Q What was his name? A Ellis, a little boy.

Q About when was Ellis born? A Well I can't tell you just when but he must have been somewhere between three and five years old in '62, about that age I think, a little fellow running around, I can remember him very well.

Q You say he and his mother belonged to Mr. Kidd? A Yes, sir.

Q Do you know what became of them during the war? A Well the last time I seen them, I stayed with the Kidds in the winter of '63 and '4, I guess it was '63 and '4, I may be mistaken, it might be '62 and '3, but I think it was '63 and '4, in '62 and 3 and they were close to Mt. Ida, Arkansas, and I stayed there for oh I guess two or three months; we were quartered down in the southern part of the state, our battalion was, I got a furlough and went up there and stayed two or three months, I don't know just exactly though, perhaps only two months, and this girl she was there and the boy too then; or the woman

Q Well, did you see them after the war? A No, sir, I have seen Ellis after the war, the boy, he came once, he heard I was at Van Buren and he came up and told me who he was, I think he told me he was working there, breaking in the yards there at Van Buren.

Q You saw him there? A Yes, sir, saw him and talked with him.

Q You never saw his mother? A Not that I know of, no, sir.

Q Don't remember ever seeing her after the war? A No, sir.

Q About how old a woman was his mother? A Well, I don't recollect what age she was, must have been about - well I don't know, you can't tell a negro's age, I don't know how old she was, she wasn't an old woman.

Q She was grown when the war came up? A Yes, sir, she was a young woman, I think about twenty, perhaps might have been 23, but I would think she was somewhere in twenty, I don't know.

Q How long did you know her at Mr. Kidds before the war? A I don't recollect, several years though, I don't remember that, I was just small myself, I was only about 15, but she was there several years.

Mr. Mellette: Now Mr. McClelland, you don't know that the woman you are speaking of is the one that is applying here for citizenship?

A I don't know anything about that, I know there was a woman there they called Ann Kidd that had a boy named Ellis, a little mulatto boy, we all lived right close together, and the Kidds and us, Jim and I were same age and playmates, and I spent a good deal of my time there; was raised together.

Q You don't know of your own knowledge how she happened to be there

at the Kidd's house? A No, sir, don't know a thing about it. I heard them say they bought her in the Nation.

Q I am asking about your own knowledge? A I didn't see them buy her.

Mr. Hastings: Was there any other Kidds around Cane Hill except this family? A No, sir.

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FANNIE DENTON, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Fannie Denton.

Q What is your age? A As near as I know it, it is about 70 years old.

Q You were a slave before the war? A Yes, sir, long before the war, I came from Louisville, Kentucky, and lived about Warrenville a good long while.

Q Who owned you when the war came up? A T. K. Kidd. he has got a son here somewhere.

Q Where did he live? A He lived at Cane Hill.

Q Arkansas? A Yes, sir.

Q How long had you belonged to Mr. Kidd when the war came up?

A Two or three years I reckon. I stayed about a year up to the home farm, and he said he thought he could trust me to be the housekeeper on the lower farm, and I stayed down there about two or three years I guess, I was there in '61, the wind up I know of '61 is when we all run south.

Q Did you know a slave by the name of Eliza, or Ann Kidd?

A Yes, I knew one of the home farm women, named Ann Kidd.

Q Did she have a child? A Yes, sir.

Q What was his name? A Well his name was Ellis.

Q About how old was Ellis when the war came up? A Well he was about two years old or maybe three, I think he was about that old when we run, for I know them white fellows was around the camp having him dancing.

Q What became of Ellis and his mother? A Well they went on with us, just first one place, I can't tell you to save my life, but just one place and another till we got to Clarksville and stopped.

Q They took you south with the family? A They didn't take us, but we went south to Clarksville, Texas, to the Moores, and one of the Kidds married Moore and there is where we went, and when peace was made there is where we were.

Q After peace was made, there did you go? A I came back home, but Ann stopped at Van Buren.

Q Did she come along as you did up to Van Buren? A It has been so long I nearly have forgot it, but I think Ann came ahead of us, two crowds of men brought us, and I think Ann was in the first crowd, but I saw her at Broadie's Hotel when I came through.

Q When was that, how long after the war? A I think about '65, I will not be positive.

Q That was in Van Buren, Arkansas, you saw her? A Yes, sir.

Q Was the boy with her then, Ellis? A I don't remember but I think he was, I am not positive about that, you know we didn't stay but a few minutes there, I wanted to hire her, but the white people didn't want me to stop there, I had carried thirty thousand dollars all through the war for them, and because I had carried this money they wanted me to be housekeeper at home, and when we got there everything was burned up and broke so they found they couldn't keep me, and I quit housekeeping and taken in work.

Q I want to talk about this woman; whether she came along with you; you saw Ellis was with her in Van Buren in Arkansas in '65?

A I saw her just a few minutes, I saw Ann Kidd, it was Ann Kidd, I am not positive I saw Ellis; later on I did see him when I was at Little Rock.

Q Did you see her again there? A When I went to Little Rock and stayed thirty days, with one of my girls, she was in college going to school, and I was on my return, and just before I got off one of these Hollendon boys met me and helped me out of the train with my trunk, and I went up to Ann's and stayed a day or two right by her.

Q Do you know when that was? A No, sir, I don't, but it was about '88 I think.

Q You think it was in '88? A I am not positive about that, but maybe I stayed at Ann McKee's.

Q About how many years ago was that? A About '88 I reckon, no it was worse than that; it was about in '88 I think when I was there.

Q She was living there then? A Yes, sir, she had a home of her own there.

Q Did you see Ellis there? A I don't know whether I got to see him that time or not, he was married and him and his wife lived together, but I was at Ann's, she was married to a man named Mackey.

Q That is Ann Ratcliffe? A Yes, sir; I don't know whether she was married to him, they were living together and she said that was her husband; she had two little children, grandchildren, of Ellis, I think keeping them there; if I heard their names I would know them but I don't know them now; wasn't one of them Walter, or have any of you his name; and they were two different women's children; then children I am talking about was two different women's children.

Q Well, did you ever see her any more down there? A No, sir, I don't believe I did, she went to the Nation later on.

Mr. Mallette: How much money did you carry during the war? A Thirty thousand dollars, and have got witnesses to prove it: thirty thousand dollars, carried it for old T. K. Kidd.

Q Was it greenbacks? A It was silver and war bonds.

Q You carried it with you how many years? A Well, in '62 and it, about in '62, down till after peace was made.

Q Peace was made in '62? A No, sir, it was made later on, but about '62 I had it, in '61 or '62 and that is when they gave it to me.

Q And you carried it all during the war? A I carried it the balance of the time.

Q How long? A There is white people at Fayetteville can tell you.

Q I want to know how long you carried the money? A I think from '62 down to about '64, maybe along into '65.

Q Now who took you south? A Why the overseer and one of the boys.

Q What boy? A I think one of the Kid boys, I believe it was yes sir it was Lucius, and he was killed.

Q Lucius Kidd took you south? A With this overseer, him and the overseer took the darkies south.

Q Was this woman Ann with you? A Yes, sir.

Q Went right along with you out there did she? A No, she couldn't have gone with me, she lived at the home place and I lived at the lower farm, where I kept house, and we camp together on Lees Creek, and I think there is where we camped, and there is where Lucius and all them made the boy dance; he was about two years old.

Q They made the boy dance on Lees Creek? A I think that is where it was.

Q You remember them making him dance on Lees Creek? A I recollect it wherever we were camping that night.

Q How old a boy was Ellis at the time they made him dance? A I can't tell you to save my life.

Q Measure with your hand? A He looked like he was about that high (indicating).

Q About two feet and a half? A He looked just about that high; when we were getting supper they had that little boy dancing.

Q How do you remember that? A Because I was sitting around, I didn't have nothing to do.

Q How do you happen to remember that boy dancing? A They were always having him.

Q Have you talked about this case before you came home on the

stand? A Never talked only here since I came to this place. I didn't know what they wanted me to talk about.

Q Have you and Mr. Kidd talked together? A Which Mr. Kidd?

Q This one here? A Only since we came.

Q You all talked together in Mr. Hastings' office? A Yes, sir, I did since we came here.

Q Did you ever remember anything about the dancing until you heard Mr. Kidd say the boy danced? A I never heard him say so until he said it since I say it; I say it myself because there were the most outdacious folks ever was, not only the Kidds but there was a whole lot of white folks together, this man McClelland was one, first, second, and another, and they were together and they would have the little negro children dancing.

Q Then you stayed right with Ann up to the close of the war? A Sir I didn't stay right with Ann, I never stayed much with my wife. You know they were studying about that money they had me with and I didn't stay with them much.

Q Did you carry this money on your back? A No, sir, I carried it sealed and I kept that and carried it all right.

Q Thirty thousand dollars in silver was a pretty big pile? A It was in a tin box, they put handled on that I reckon, and I had my fingers in that and carried in under my cloak with my baby in my arms when it was six days old, and I hid it in the cotton, and if that gentleman McClelland would have asked that Howe about it yesterday he would have told him.

Q Where did you come from when you came this time? A Fayetteville.

Q How did you come here? A I came on the train.

Q Where did you get the money? A I don't know where the fellow got it that give it to me, one of them attorneys sent the Sheriff down with a piece of writing to me and told me to come up and he could explain it to me, and he did, and later on, I told him I haven't got any money, and he says they will send you a pass, but they didn't do it, but when the time began to draw nigh my conscience felt like I had better go, and I guess and sees the Sheriff, and he says you had better go, and I says, I haven't got the money, and he says, I have just spent what I have this afternoon, and I goes next morning up town and took my buggy and horse, and I told him, now I want the money and there stands my buggy and horse, and the Sheriff says Bish will let you have it.

Q You sold your horse? A No, sir, I pawned it.

Q You had to pawn your horse to get money to come here? A I did, had to pawn my buggy and horse.

Q Who brought you back from the south after the war? A Jim Kidd stayed home and I think he brought me.

Q What Jim Kidd, the man that is here? A Yes, sir.

Q Are you swearing by what you know or what Jim Kidd said? A I am swearing by what I know.

Q Who brought you back? A I told you what I can remember, I remember Andy - you know he was the overseer - and Jim Kidd says he was the one with us, I am not positive about it.

Q Now you know Ann didn't come with you? A She never come any farther than Van Buren for she came that far and stopped.

Q Now didn't Ann come ahead of you? A She must have come ahead, I know I run in the hotel and seed her.

Q Then Ann didn't come in the same crowd you did? A She came ahead of us.

Q If she was ahead she couldn't have been in the same crowd?

A You don't know how our folks came.

Q You are swearing about Ann being at a certain place just before the war; now I want you to swear where she was along after the war when she came back with you? A I told you as near as I can remember that she was ahead, they might have all started with us, but I think she beat us there because I tell you I run in Broadie's Hotel and

Q You remember running in Brodie's hotel? A Yes, sir, I do.
 Q Where did you find her in there? A She was standing in the
 Q Where? A In the kitchen.
 Q You remember seeing her in the kitchen 35 years ago? A I don't
 know when it was but it was when we came through there.
 Q Was she there when you got there? A I don't know whether she
 was or not, you know I had my baby, and it has been so long and my
 white folks didn't allow me to be away from them very much, and I
 don't remember whether Ann started with us and beat us there.
 Q Or whether she started a long time before you? A I don't re-
 member, but later on I visited Ann.

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ROBERT HATCHLIFFE, appearing before the Commission and being
 duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Robert Hatchliffe.
 Q What is your age? A About 29, near thirty.
 Q What is your postoffice? A Tahlequah.
 Q How long have you been living at Tahlequah? A Eight years, soon
 will be.
 Q Where did you come from when you went to Tahlequah? A Van Buren.
 Q Where were you born? A I was born near Dardanelles, Ark.
 Q When did you first go to Van Buren? A When I remember I
 was there; we moved there in about '73.
 Q You were a baby, a boy? A Very small, yes, sir.
 Q Do you know a colored man by the name of Ellis Kide, or Ellis
 Hatchliffe? A Yes, sir, I know him.
 Q How long have you known him? A Ever since I can remember.
 Q Where did you first know him? A Van Buren.
 Q Do you know his wife; is he a married man? A Yes, sir.
 Q Do you know his wife? A Yes, sir.
 Q What is his wife's name? A The one he has got now is named
 Mollie.
 Q Has he had more than one? A He was married twice.
 Q Well what was his first wife's name? A I believe her name
 was Eugene Berry, if I make no mistake, I am not certain it was
 Eugene, but it was a Berry.
 Q Do you know any of his children? A Yes, sir.
 Q What are their names? A One is named Nathan, one named Oscar
 and Iron.
 Q The father of these children, Ellis, is the one you know? A I
 suppose it is.
 Q Do you know his mother? A Yes, sir.
 Q Where did you know her? A Van Buren.
 Q What was her name? A Ann Mackey when I first knew her, that
 was her husband's name.
 Q How long have you known her? A Ever since I can remember.
 Q Where was she living when you first knew her? A Van Buren..
 Q How long did she continue to reside there? A Why she stayed
 there till about nine or ten years ago, between nine and ten years
 ago that she came to this country.
 Q Do you know where she went to? A Went to Tahlequah I think.
 Q Where did Ellis go? A He came to Tahlequah about between seven
 and eight years ago; well he came up the time she did, but he never
 moved there until after I went there; he was just backwards and
 forwards.
 Q You know where Ellis is now? A I haven't seen him for four years.
 Q Don't know where his postoffice is? A No, sir.
 Q Know where his mother is now? A I haven't seen her.

Q Did he play at Tahlequah a while? A Yes, sir.

Q Did he play on any stringed instrument or not?

Q What? A Guitar.

Q Where did you live along about the Cherokee payment 1894? A He was in Tahlequah during the payment, he hadn't moved then, I guess he was at Van Buren then; he was at Tahlequah during the payment.

Q Now you say that you knew Ellis' mother ever since you can remember, and that was at Van Buren, Arkansas? A Yes, sir.

Q They continued to live there till eight or nine or ten years ago?

Q Yes, sir, then they moved away from there about that time, I think they moved away from there, I don't remember whether it was '92 or '93, somewhere along about that time when they moved from that country.

Q You knew them all that time? A Yes, sir.

Mr. Mallette: You any relation to these people? A Yes, sir.

Q What? A Cousins, Ann is a first cousin to my father.

Q Where did your father live during the war? A He lived in this country at Tahlequah, somewhere near Caney I suppose, he was sold out from here.

Q Are you a citizen of that country? A Never have claimed any citizenship.

Q Born in Arkansas? A No, sir.

Q Ever been arrested? A No, sir.

Q Never in your life? A No more than the police once.

Q When? A Just arrested by the police once in Tahlequah.

Q You have been arrested then? A Yes, sir.

Q What for? A Just with a rough crowd of boys one time and they claimed we were out too late and arrested the whole bunch of us, about ten or fifteen.

Q When did you first go to Van Buren, Arkansas? A When I can remember anything I was there.

Q How old are you now? A I will be 30 years old the 1st day of next March.

Q How long can you remember now? A I can remember back about 1896 or '96, I remember in '76 well, my father left me when I was 3 years and 11 months old to the day and I remember that.

Q You can remember back to '76? A Yes, sir.

Q You were three years old then? A I was near four years old then.

Q Where were you living then? A Van Buren.

Q Who were you living with? A My mother.

Q What is her name? A Lizzie.

Q Where is she now? A She is at Van Buren.

Q When you can remember, you remember seeing Ellis Ratcliffe at Van Buren? A Yes, sir, been there ever since I can remember.

Q And the woman that you call Ann Ratcliffe, what is her name?

Q A Cousin Ann, is all I know of her, just Ann.

Q Never knew her by the name of Eliza? A No, sir, just called her Cousin Ann.

Q Never heard her go by that name? A No, sir, not that I remember of.

Q The woman then you are talking about was known as Ann? A Yes, sir, known as Ann Mackey.

Q Did you ever know a woman called Eliza Ratcliffe? A I never knew her; I don't know what her other name was besides of Ann.

Q In your whole life you have never known of the one you are talking about being called Eliza Ratcliffe? A No, sir, I haven't.

Mr. Hastings: Did you ever hear Ellis' mother talk about where they lived before the war? A Yes, sir.

Q Where did she say they lived? A Tahlequah, somewheres near Tahlequah.

Q Who did they claim to belong to before the war? A Ratcliffes.

Q Did they ever go by any other name besides Ratcliffe? A Not that I know of, not that I have heard them say anything of at all.

- Q Did Ellis ever go by the name of Kidd? A He did.
- Q Why didn't you say so? I asked you if these people, if Ellis and his mother ever went by any other name besides Ratcliffe? A I say she didn't, only Mackey, Ellis was called Kidd all the time.
- Q What did Ellis go by? A Ellis Kidd.
- Q Did he always go by the name of Ellis Kidd? A He did as far as I can remember.
- Q Did he ever say how he got the name of Kidd? A He said his father was a Kidd.
- Q What did this Ellis Ratcliffe do down there before his marriage, up when he was a young man, what kind of work? A He did some breaking on the railroad, running a brakeman for about 18 years I guess, ever since he has been large enough to work I guess.
- Q Did you ever know any other Ellis Ratcliffe or Ellis Kidd who lived in Van Buren during that time? Any other one besides this one?
- A No, sir, not that I know of.

-----6-----

John McCarty, appearing before the commission, and being duly sworn and examined, testified through S. R. Walkingstick, a regularly sworn interpreter, as follows:

- Mr. Hastings: What is your name? A John McCarty.
- Q What is your postoffice? A My postoffice is Tahlequah, Indian Territory.
- Q How long have you lived up about Tahlequah? A I have lived there about 59 years, I was born there.
- Q Did you ever know a colored woman by the name of Ratcliffe?
- A Yes, sir, I knew her.
- Q What was her first name? A Well I only knew her by the Indian name, Iyosta.
- Q Where did she live? A She lived this side of Caney near the Illinois River.
- Q Where did she live before the war? A She lived there at the commencement of the war.
- Q Who owned her? A Robin Ratcliffe I suppose was the man that owned her, but there was three brothers all lived together, I don't know which one of the brothers she belonged to; but she lived there with him.
- Q What became of her during the war and after the war, this woman?
- Q I think she must have just stayed there all during the war because when I came back after the close of the war she was at the same place; when we were stationed here during the war, at this place, why if any of the Cherokees should come from over in that neighborhood she would be along with them and they would take her back.
- Q Did she speak Cherokee? A Yes, she spoke good Cherokee, as good Cherokee as I speak.
- Q Did she live among the Cherokees? A Yes, sir, she lived with them all the time, and after the close of the war she still continued to live with the full bloods.
- Q In what district? A Tahlequah district.
- Q Well, how long did she continue to live in Tahlequah district; is she living there now? A Well she died, she has been dead about eight or nine years; she died in about the same neighborhood on Caney.
- Q Now the woman you have been talking about is the woman you mention as having died eight or nine years ago? A Yes, that is the same one; as to the exact time when she died, of course I am not able to tell.
- Mr. Mellette: Now when do you say this woman died you have been talking about? A I think it has been about eight or nine years as I stated, I am not positive as to the time.
- Q She had died at the time of the Cherokee Strip payment in 1894?
- A I think so.
- Q Where did she live when she died? A She died on Caney, in

Tahlequah district.

Q At whose house? A She died, so I was told, at a full blood's house by the name of De-gor-va-sha.

Q What is his English name? A I don't know his English name.

Q Where did you at last see that woman, Eliza Ratcliffe? A I hadn't seen her for about 18 years, something in that neighborhood; I moved from that neighborhood about 18 years ago.

Q Was she dead before the Kiam-Shilton Freedman roll was made?

A Yes, I believe she was.

Q What was that woman's name? A Iyosta, I stated that her name was Iyosta.

Q Isn't that all the name she ever went by? A Yes, all the name she had in Cherokee; that is all the name that she was known by.

Q Was she of Cherokee blood? A I can't state as to that, she was very black.

Mr. Hastings: About how old was she when the war came up? A Why she was a very old woman when the war commenced, she must have been at least sixty years old.

Q About how old was she when she died? A I can't say, it would be difficult for me to guess at her age.

Q You are just guessing at her age? A Yes.

JOSE ROSS, appearing before the Commission, and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your age? A 71.

Q Where were you born? A Back in the old country.

Q Well, where were you living ten or fifteen years before the war?

A Right up here on Park Hill.

Q Where did you live after the war? A Right here, down here and up there.

Q In Tahlequah district? A Yes, sir.

Q Did you know a colored woman in the Cherokee Nation by the name of Eliza Ratcliffe? A Yes, sir.

Q Did you know her before the war? A Yes, sir, I knew her before the war.

Q Who did she live with? A Lived with the Ratcliffes.

Q Where was that? A Right down across the river on the other side the river.

Q Other side of what river? A Illinois.

Q In what district? A In Tahlequah I guess.

Q Well about how far from Tahlequah? A Five or six miles.

Q East? A South, right southeast.

Q Do you know where she was living when the war came up? A She was living on Caney.

Q Well how far is that from Illinois River? A It is about three miles I guess.

Q Did you know this woman after the war? I believe you said you did a while ago? A Yes, sir.

Q Where did you know her after the war? A I saw her, the last I seen her she was at Tahlequah.

Q Is she living now? A No, sir, she died.

Q About when did she die? A It has been near about four years ago I believe.

Q Where did she die? A She died up on Caney.

Q Do you know whether that woman talked Cherokee or not? A She talked Cherokee.

Q Do you know whether she went out of here during the war or not?

A No, sir, she never went out nowhere, she just stayed among the Indians on Caney, stayed with a big old woman they called Manna.

Q Do you know whether she had a Cherokee name, or do you know, know

whether they called her anything else besides Eliza? A They called her Iyosta, her Indian name.

Q Are you a Freedman citizen of the Cherokee Nation? A Yes, sir.

Q Did she ever have any boy by the name of Ellis? A No, sir, not as I know of.

Q Did you ever know that young fellow Ellis Ratcliffe or Ellis Kidd that stayed about Tahlequah? A I was just simply acquainted with him, I never knew him until I saw him there at Tahlequah.

Q He wasn't the son of this woman you are talking about, was he?

A No, sir.

Mr. Mallett: When did you say this woman you are talking about died in Tahlequah? A Oh it has been about four years ago, she was in Tahlequah during the last time I saw her.

Q Who was she with? A I don't remember who she was with, I just seen her there in town.

Q Who is older, you or she? A Why she was an old woman, older than I was.

Q Whereabouts did you see her in Tahlequah, what place in Tahlequah? A She was there on the streets, about the stores.

Q You are swearing about that, you are positive? A Yes, sir, swearing about it.

Q Just four years ago you saw her there? A Yes, sir.

Q Spoke to her? A Yes, sir, I spoke to her.

Q Where was she living at that time? A Living on Caney.

Q How do you know? A I know there is where she told me she was living.

Q You were never at her house, were you? A No, sir.

Q You were never at her house in your life, were you? A I was there where she was staying with some Indians.

Q Before the war? A No, sir, since the war.

Q Did you know her before the war? A Yes, sir.

Q Who owned her? A She used to belong to the Ratcliffes, I don't know which one of the Ratcliffes owned her.

Q Where did the Ratcliffes go during the war? A I am not able to tell you.

Q Did they go out? A I am not able to tell you whether they went out or not.

Q Did you go out? A No, sir, what time I went out I went out tending for the Government, that is as far as I went.

Q Was this Ratcliffe woman you are talking about living with the Ratcliffes before the war? A Yes, sir.

Q You don't know whether they owned her or not, do you? A No, sir, I don't know whether they owned her or not, they said she belonged to the Ratcliffes.

Q You don't know whether she was a slave? A Yes, sir, she was a slave.

Q How do you know? A Because I know she was a slave, they owned her.

Q How do you know it? A Why I know it just because by she wasn't a free woman.

Q Are you any relation to Nelson Lowrey? A No, sir.

Q You know him? A Yes, sir.

Q How close does he live to you? A Why he lives about 7 or 8 miles from me.

Q How did you happen to come here as a witness? A I was summoned down here.

Q Who summoned you? A Nelson Lowrey.

Q When did he summon you? A Tuesday I think.

JOHN McQUARRY, recalled by applicant, testified as follows:
Mr. Mallett: When were you subpoenaed as a witness to come here?

A It was either Tuesday or Wednesday.

Q Who subpoenaed you? A Nelsa Lowrey.

Mr. Hastings: Where were you living in 1860? A I lived in Table-
quan district on the road to Siloam Springs.

Q Do you know where this woman you have been talking about lived
at that time? A Yes, she lived around there in that neighborhood
that I speak of, was living there all the time.

Q Do you know whether or not she is enrolled? A I don't know
whether she was enrolled or not.

FANNIE DENTON, recalled, by attorneys for Cherokee Nation,
testified:

Mr. Hastings: Whom did you say that this Ann Ratcliffe was living
with when you saw her the last time in Van Buren, who did she marry,
or who did she live with? A Her and Mackey were living together.

Q Do you know his first name, Mackey's? A I believe his name was
Oliver.

Q She went by the name of Mackey then? A No, sir, I never knew
any other name but Ratcliffe in my life.

Q And that is Ann Kidd you have been talking about, that is the
same woman you saw down there went by the name of Mackey? A Yes, sir.

Q And she had a son by the name of Ellis? A Yes, sir.

ROBERT RATCLIFFE, recalled by Cherokee Nation, testified as
follows:

Mr. Hastings: Do you know what Mackey's first name was? A Oliver.

Commission: This testimony will be filed in the cases of
Eliza Ratcliffe, No. D-723, and Ellis Ratcliffe et al., No.
D-734, and Rejected Freedman No. 124.

Bruce C. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 24th of September, 1901.

C. R. Buckner

Commissioner.

Freed D 830

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment
as a Cherokee Freedman:

Applicant appears by Hellette A. Smith, Cherokee Nation, by
W. W. Hastings:
By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Hoses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation,
No. 17209 filed in the Mariah Hayden case F T 403, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Mariah Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Eliza Rateliff, D 723;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-
duction of the decree because, First: It does not tend to show
that the applicant was a slave of the Cherokee Nation at the
beginning of the war, nor that he returned within the time specified
in the treaty of 1866, or that he had been a continuous resident of
the Cherokee Nation since that time, or that he is a descendant of
such a person. Second: Because the same is incompetent, irrele-
vant and immaterial, and does not tend to prove an issue in this
case. Third: Because the Commission will take judicial knowledge
of all laws, treaties and decrees necessary for the determination
of the right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same
is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be en-
tertained and the decree of the Court of Claims filed in the case
of Mariah Hayden will be made a part of the record by reference in
all the cases above named with the exception of those which come
within the provisions of the temporary injunction recently granted
by Judge Gill of the United States Court, of the Northern District,
Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named
cases including the Mariah Hayden case that counsel for the appli-
cants be allowed within thirty days to file any of the proof of any
or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they appeared to file to make out their case before the Commission and that notice was given them all by agreement in March last that the cases would be closed so far as testimony was concerned on the special permission of the firm of attorneys representing the applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Ruter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Ruter
Notary Public.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Eliza Ratcliffe et al., for enrollment as Cherokee freedmen, consolidating the applications of:

Eliza Ratcliffe	Cherokee Freedmen D 723
Ellis Ratcliffe et al	Cherokee Freedmen D 730
Nathan Ratcliffe	Cherokee Freedmen R 124

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Eliza Ratcliffe for herself and by Ellis Ratcliffe for himself and his minor children, Nathan, Irving and Oscar Ratcliffe. Copies of the testimony taken at Nowata, Indian Territory, June 19, 1901, in the case of Melvina Farris, et al., are made a part of the record herein.

The evidence shows that the said Eliza Ratcliffe and Ellis Ratcliffe, at the commencement of the rebellion, were the slaves of one Tandy K. Kidd, who was at that time residing in the State of Arkansas, and is not shown to have been a citizen of the Cherokee Nation; that they were taken to the State of Texas during the rebellion and did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs The Cherokee Nation et al., for the return of freedmen to said Nation.

The evidence further shows that Nathan Ratcliffe, Irving Ratcliffe and Oscar Ratcliffe are the children of Ellis Ratcliffe, born since 1866, and possess no rights to enrollment except such as they derive through him.

None of the names of the applicants herein are identified upon the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Eliza Ratcliffe, Ellis Ratcliffe, Irving Ratcliffe, Oscar Ratcliffe and Nathan Ratcliffe as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby, Chairman.

(Signed) T. B. Needles, Commissioner.

(Signed) C. R. Breckinridge, Commissioner.

Muskogee, Indian Territory,
this AUG 25 1904

COMMUNIST PARTY OF THE UNITED STATES OF AMERICA

1960

1961

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Lincoln I. I. Oct 11 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Cliza Radcliffe for enrollment as
Freemen of the Cherokee Nation.

Melville Smith
Attorney for applicant

No. 01 19733

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Freedman
D 723

ADDRESS OF
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 26, 1904.

Eliza Ratcliffe,

Welch, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, in the consolidated case of Eliza Ratcliffe, et al., rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Chairman.

Encl. V-40

Register.

COPY.

Cherokee Freedmen
D 723, et al.

Waskagee, Indian Territory, August 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Eliza Batoliffe, et al., together with the Commission's decision dated August 25, 1904, rejecting the applications for the enrollment of Eliza, Ellis, Irving, Oscar and Nathan Batoliffe as Cherokee freedmen.

Respectfully,

SIGNED, *Tame Dixby.*
Chairman.

Encl. V-45

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
D 723, et al.

Muskogee, Indian Territory, August 26, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, in the consolidated case of Eliza Ratcliffe, et al., rejecting the applications for the enrollment of Eliza, Ellis, Irving, Oscar and Nathan Ratcliffe as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: *James Dixby.*
Chairman.

Encl. V-44

COPY.

Cherokee Freedmen
D 723, et al.

Muskogee, Indian Territory, August 26, 1904.

Edgar Smith,
Attorney for Eliza Ratcliffe, et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, in the consolidated case of Eliza Ratcliffe, et al., rejecting the applications for the enrollment of Eliza, Ellis, Irving, Oscar and Nathan Ratcliffe as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED), *Tame Dixby*,
Chairman.

Encl. V-43
Register.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 27, 1904.

Land.

59485-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 26, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Eliza Ratcliffe for herself, and by Ellis Ratcliffe for himself and his minor children, Nathan, Irving and Oscar Ratcliffe.

August 25, 1904, the Commission decided adversely to all the applicants.

The record shows that Eliza Ratcliffe and Ellis Ratcliffe were at the beginning of the rebellion the slaves of one Tandy K. Kidd, residing in the State of Arkansas and not shown to have been a citizen of the Cherokee Nation; that they were taken to the State of Texas during the rebellion and did not return to the Cherokee Nation on or before February 11, 1867. The evidence further shows that Nathan, Irving and Oscar Ratcliffe are the children of Ellis Ratcliffe born since 1866, and possess no rights to enrollment except such as they derive through him. None of the names of the applicants is borne on the 1860 authenticated

-2-

Cherokee roll, but their names are identified on the Kern-Clifton roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Towner

Acting Commissioner.

M.Y.M.
W.

(C O P Y)

Y. P.
FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON. November 12, 1904.

D. C. 43620-1904.
I. T. D. 8198-1904.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 26, 1904, you transmitted the record in the consolidated case involving the applications for the enrollment of Eliza, Ellis, Irving, Oscar and Nathan Ratcliffe as Cherokee freedmen, including your decision of August 25, 1904, rejecting the applications.

Reporting in the matter September 27, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

F. L. Campbell

Acting Secretary.

1 inclosure.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BRIDGEMAN.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen
D-723.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 29, 1904.

Eliza Ratcliffe,

Welch, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting, among others, the application for your enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior on November 12, 1904.

Respectfully,



Commissioner in Charge.

Cherokee Freedmen
D-723, et al.

Muskogee, Indian Territory, November 29, 1904.

Edgar Smith,

Attorney for Eliza Ratcliffe, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting the applications for the enrollment of Eliza, Ellis, Irving, Oscar and Nathan Ratcliffe as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 12, 1904.

Respectfully,

T. B. Needles
Commissioner in Charge.

COPY

Cherokee Freedmen
D-723, et al.

Muskogee, Indian Territory, November 29, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting the applications for the enrollment of Eliza, Ellis, Irving, Oscar and Nathan Ratcliffe as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 12, 1904.

Respectfully,

T. B. J. Needles
Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 698

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 28, 1906.

Eliza Ratcliffe,

Welch, Indian Territory.

Dear Madam:-

You are hereby advised that the motion filed by
your attorneys September 7, 1905, for a review in your Cherokee
freedman enrollment case, was dismissed by the Department
May 2, 1906.

Respectfully,

W. O. Beall
Acting Commissioner.

LMO

Muskogee, Indian Territory, May 28, 1906.

Blue & Bulger,

Attorneys for Eliza A. Arnold, et al.,
Vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

WMP

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,
 Attorneys for Cherokee Nation,
 Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of
 Departmental letter of May 2, 1906, a copy of which is enclosed
 herewith, denying motions by Blue & Bulger, filed September
 7, 1905, for review in the Cherokee Freedmen enrollment cases of
 Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC
 Incl. C-2

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date.....

JUN 12 1901

Post Office.....

District

Age.....

7. Name.....

Citizenship.....

Owner's name.....

Year.....

Page.....

No.....

District.....

Parents:

Father.....

Mother.....

12. Name of wife.....

Owner's name.....

Year.....

Page.....

No.....

District.....

Parents:

Father.....

Mother.....

Names of Children:

	Year.....	Page.....	No.....	Dist.....
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by.....

Stenographer.....

Represented by Mellette and Smith, United, St.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Eliza Ratcliffe,

Welch, I. T.

Cherokee-F-D-723.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

049723

General Office
Cherokee Freed.

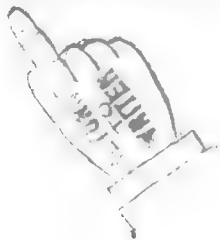


Eliza Ratcliffe,

Welch, Indian Territory.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

049723



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10583 UNCLAIMED.
Eliza Ratcliffe,

Welch, Indian Territory



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Welch, Indian Territory

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Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

MS 698

~~Elija Ratcliffe,~~

~~Welch, Ind. Ter.~~

Vinity



Cher. Fr. R. 699

Trans. from Cher. F. D. 724

Cher. Fr. R. 699

To be filed in the case of Annie Robinson, et al., CED-724.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., June 11th, 1901.

In re: the application of Otto Martin for the enrollment of himself, if said five children's Cherokee freedmen; he being sworn by Commissioner T. J. Leedies, testified as follows:
Applies for his wife as an intermarried freedman.

Relief E. Smith, attorney for the applicants.
James Liverport, attorney for the Cherokee Nation.

(Examination by the Commission)

Q What is your name? A Otto Martin.
Q How old are you? A I am about 53 or 52 years old maybe more.
Q What is your post office address? A Catale.
Q In what district do you live? A Coconawscovee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who do you want to have enrolled besides yourself? A My wife and five children.
Q What is the name of your wife? A Frances, she is a state raised woman.
Q Do you apply for her? A Yes sir.
Q What are the names and ages of your children? A Lindsay.
Q How old? A 19.
Q Next? A Guy.
Q How old? A 16.
Q Next? A Fred.
Q How old? A 15.
Q Next? A Eliza.
Q How old? A 12.
Q Next? A Otto Jr.
Q How old? A 9.

By Mr. Smith-

Q How old are you? A I don't know my age exactly, I reckon I must be about 52 or 3 or 4.
Q Were you born a slave? A Yes sir.
Q Who did you belong to? A Brian Martin.
Q Was he a Cherokee citizen? A Yes sir.
Q Where did he live before the war? A On Grand river.
Q Where were you when the war commenced? A I was there on Grand river with Brian Martin.
Q With your master? A With my mistress really.
Q What was her name? A Sarah Martin.
Q Was she a Cherokee citizen? A I guess so, she was Brian Martin's wife.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A I was carried to the Choctaw Nation.
Q How long did you stay down there? A Until after the war.
Q Did you go any further south than the Choctaw Nation? A No sir.
Q What time did you come back first after the war? A In '66.
Q Where did you come to? A The first place I come to was there on Garrison creek.
Q Where is that? A Close to Ft. Smith.
Q Where did you come to from ~~Wookingport~~ there? A To Sallisaw and on up through the Territory by Fort ~~Smith~~ Gibson and by Chatopa on the line up there.
Q When did you first locate then, during that time after you ~~Wookingport~~ got back here in '66? A I hired out to a cow man, that was when I was coming up, I come across he and he hired me and had me drive cattle and he went to Horse creek.
Q Where did you next go? A To Brushy.
Q In the Cherokee Nation? A Yes sir.
Q Were you married then? A Single.

Q When did you marry? A I dont know what year it was.
 Q How long ago-- how old is your oldest child? A 30 years old I guess she is.
 Q How long had you been married when your oldest child was born?
 A I reckon about 11 or 12 months.
 Q Have you any children now older than Lindsay? A Yes sir.
 Q Give their names? A Willia and Annie and Charles.
 Q Is Annie married? A Yes sir she is married to a man named Robinson.
 Q Where dds she live? A On Prior Creek.
 Q Where did she live before that? A On Prior creek.
 Q With whom? A Me.
 Q Until she married? A Yes sir.
 Q Where does William live? There up on Prior creek.
 Q What is his post-office? A Chelsea.
 Q How far from Chelsea does he live? A Nine miles.
 Q Where does Charles live? A With me.
 Q He is not married? A No sir.

By Mr. Davenport -

Q You say you went where during the war? A To the Choctaw Nation.
 Q Who with? A Joel Bryant.
 Q Old uncle Joel? A Yes sir and my young master Joe Martin.
 Q You didn't go to Texas? A I dont know where they went after they left there, they left me in the Choctaw Nation.
 Q Did they leave there before or after the war? A I dont know, I think right about the close of the war, when they left me it was,
 Q You was about grown at that time? A I reckon I must have been 14 or 15 years old then.
 Q Your master was named Brice Martin? A Yes sir.
 Q Was he a son of Joe Martin? A No sir he was his father.
 Q When you came back after the war where did you first come to?
 A On Garrison creek.
 Q Where is Garrison creek located? A In Sequoyah district.
 Q How long did you stay there? A I didn't stay there long.
 Q Where did you go from there? A I come up the country.
 Q Had you a family living on Garrison creek before you went away?
 A No sir.
 Q Who did you see there that you knew? A I knowed a lot of folks, a lady named Caroline Starr.
 Q Any one else? A Dick Mobile.
 Q You left Garrison creek and come where? A I come up to Gibson and then up the line here by Horse creek, in up close to Chetopa.
 Q Did you live on Ballisaw while you was wandersing around? A No sir.
 Q How long did you stay ~~there~~ in Sequoyah District? A 5 or 6 years
 Q How long did you stay there before you went back to the Choctaw Nation and married? A Where?
 Q In the Cherokee nation before you went back to the Choctaw Nation and married? A I think- I dont know how long I staid, I was just backwards and forwards.
 Q You didn't have any home at all up here @ you didn't have any home at all until you married? A No sir.
 Q You married about 30 years ago? A I guess so.
 Q Your wife's people lived at Boggy Depot A Yes sir.
 Q That was where you principally lived until you and your wife were married? A Yes sir.
 Q Do you know R.W. Lindsay? A Yes sir.
 Q Did you see him in '68? A I seed him in '66.
 Q Did you see him in '68? A If I did, I dont know it.
 Q Do you remember meeting him in '68 somewhere in the summer of '68 when you were driving some cattle and of having a conversation with him? A No sir I met him in '66 when I was driving cattle.

Q Don't you know that he didn't come here until in '67? A No sir.
 Q Did you see him before that time? A Yes sir, in '66.
 Q In the Cherokee nation in '66? A Yes sir.
 Q That is a fact is it? A Yes sir.
 Q You are certain that you saw him in the Cherokee Nation ~~the first~~
~~year~~ after in '66? A The first time I came up here is when I saw him
 Q You say you saw Mr. R.W. Lindsay in the Cherokee Nation the first
 year that you came back to the Cherokee Nation after the war do you?
 A Yes sir that ~~is~~ was the time I seed him in '66.

By Smith-

Q How long had you been in the Cherokee Nation when you saw Mr.
 Lindsay? A I had been on the road all through that summer and spring.
 Q Well about how long had you been in the Cherokee nation when you
 saw this man Lindsay? A I had been ~~there~~ here I reckon about 3 or 4
 months I reckon, all together.
 Q Where did you see Lindsay? A Up here on Horse creek.
 Q Near what place? A It was Knights place.

By Davenport-

Q What Lindsay are you talking about? A I am talking about Joel
 Bryant's son in law.
 Q Is that W.R.? A Yes sir I guess so.

By Smith-

Q When you first came to the nation you say you went to Sequoyah?
 A Yes sir.
 Q Where else had you been besides in Sequoyah before you saw
 Lindsay? A There was Sequoyah, there was Fort Gibson, there was Brushy
 and then I seed him up on Horse creek.
 Q What time was it that you came in '66? A Long in the spring when
 the grass was big enough to drive cattle.
 Q Was it in the spring or summer? A Long in the spring, I reckon
 the latter part of the spring I come up here long in the summer.
 Q How long did you say it was after you first came back to the
 Cherokee nation before you saw ~~ixwax~~ Lindsay? A I reckon it was
 3 or 4 months.
 Q Do you know how long it was? A No I don't know exactly, I
 reckon it was that long.

By Davenport-

Q You did see Lindsay ~~some~~ time during the summer of a certain
 year in this country? A Yes sir.
 Q And you had a conversation with him? A He just asked me where
 I was going and asked me about the cattle.
 Q Didn't he ask you about those cattle and you told him you had just
 come from Texas with those cattle? A No sir I didn't.

By the Commission-

Q How far south did you go during the war? A We went to the
 lower part of the Choctaw Nation.
 Q Did you go into Texas? A I went there after we got there,
 went there with teams ~~xxx~~ for things to eat.
 Q Where ~~you~~ were you married? A In the Choctaw Nation.
 Q Where was your oldest child born? A On Ballisaw.
 Q Choctaw Nation? A Cherokee Nation.
 Q Were they all born in the Cherokee Nation? A Yes sir.
 Q Your wife is known as a state woman? A Yes sir.
 Q Who married you? A Isaac Daniels.
 Q Is he living? A I don't know.
 Q Did you get a certificate of your marriage? A No sir.
 Q Was she your first wife? A Yes sir.
 Q Were you her first husband? A Yes sir.
 Q Is she living? A Yes sir.
 Q You have no proof of your marriage then? A No sir.

Q Is there anybody here that knows that you and your wife were married? A No sir not here.

Q

ELIAS DOWNING, called and sworn as a witness for the applicant testified as follows:

By Mr. Smith-

Q What is your name? A Eli s Downing.

Q Your age? A 58.

Q Where do you live? A On Priors creek, Cooweescoowee district.

Q How long have you lived there? A 22 years.

Q How long have you lived in the Cherokee nation? A I was raised here.

Q Do you know this applicant here? A Yes sir.

Q Did you know him before the war? A Yes sir.

Q ~~Did you know him~~ Was he born a slave? A Yes sir.

Q Who was his master? A Brice Martin.

Q Was he a Cherokee Indian? A Yes sir.

Q Did he live in the Cherokee nation before the war? A Yes sir.

Q Where was this applicant at the time the war commenced? A In the Cherokee nation, down near Joel Bryants.

Q When did you first see this applicant in the Cherokee Nation after the war? A Right after the war in '66 as I was coming from the south.

Q Where from? A Texas.

Q Where did you see this applicant? A The south side of the river the Arkansas river at a place known as Nivens' ferry.

Q Near where? A Near Fort Gibson.

Q Who was he with? A Some man driving cattle.

Q What time of the year? A First of July about

Q Where is he living now? A On Priors creek in Cooweescoowee district.

Q How far from Chelsea? A Six miles.

Q Do you know his wife? A Yes sir.

Q What is her given name? A Frances.

Q Are they living together now as man and wife? A Yes sir.

Q How long have you known them as man and wife? A 8 or 10 years,

By Davenport-

Q Are you on the roll of 1880 A No sir.

Q How far do you live from this applicant? A 3 miles.

Q How long have you lived that close? A 8 or 10 years.

Q How far did you live from him when the war broke out? A 10 miles

Q How old was this boy when the war began? A 10, 12, or 13 years old some where along there.

Q You went south to Texas? A Yes sir.

Q And you saw him on the south side of the Arkansas river near Nivens ferry in '66? A Yes sir.

Q Are you sure it was in '66? A Yes sir.

Q What time in '66? A Last part of June or the first part of July.

Q Before or after the treaty was made? A I dont know anything about when the treaty was made.

Q You had come back without knowing anything about the treaty and you? A Yes sir.

Q Who came back with you? A With some men driving cattle.

Q Where were they driving them to? A Some where in Kansas, they said they lived in Illinois.

Q Did you go on with them? A No sir.

Q How long were you with this applicant at that time? A Not very long two or three hours.

Q But you remember him distinctly as the boy you saw there? A Yes sir.

Q When did you next see him again? A In our neighborhood.

Q Ten years ago? A Yes sir.

And you recognized him as being the boy you had seen down there at the Wivens ferry? in '66? A Yes sir.

Fred Martin, called and sworn as a witness for the applicant, testified as follows:

By Smith-

Q What is your name? A Fred Martin.
 Q How old are you Fred? A 43.
 Q Where do you reside? A I live on Grand river.
 Q What is your post-office? A Spavinaw.
 Q Do you know this applicant? A Yes sir.
 Q Is he related to you? A No sir.
 Q Did you know him before the war? A No sir.
 Q How far does he live from you now? A I don't know just how far, they call it 21 or 22 miles.
 Q Have you ever been at his house? A Yes sir.
 Q Do you know his wife? A Yes sir I have seen her several times.
 Q Do you know his children? A Don't know his youngest children, I know his two oldest children.
 Q What are their names? A Will and Annie. He has several little children, I don't know their names.
 Q Is his wife the mother of these children? A Yes sir.
 Q Do you know if the mother and this applicant live together as man and wife? A Yes sir they live together as man and wife.
 Q How long have they been living together in that way to your knowledge? A Ever since 82 or 83, I disremember which, I had some subpoenas to serve for Mr. Willerson in Sequoyah and I staid all night at his house and they was living together then as man and wife.
 Q Have they lived together since then? A Yes sir.
 Q Do you know who he belonged to before the war? A No sir.
 Q Did you know him before the war? A That time I staid I had some subpoenas to serve for Mr. Willerson.

ALLEN LYNCH called and sworn as a witness for the applicant testified as follows:

By Mr Smith-

Q What is your name? A Allen Lynch.
 Q Do you know this applicant? A Yes sir.
 Q How long have you known him? A Ever since he was a little bit of a boy.
 Q Did you know him before the war? A Yes sir.
 Q Was he a slave? A Yes sir.
 Q Who did he belong to? A Brice and Sarah Martin.
 Q Who was Sarah Martin? A Brice Martin's widow.
 Q Was she a Cherokee citizen? A Yes sir.
 Q A Cherokee Indian? A Yes sir.
 Q Where did she live before the war? A On Grand river, below Joel Bryant's.
 Q In the Cherokee nation? A Yes sir.
 Q Where was the applicant when the Civil war commenced? A Went south.
 Q Was he here in the Cherokee nation when it broke out? A Yes sir.
 Q You don't know where he went to? A No sir.
 Q When did you first see him after the ~~Civil~~ War? ~~At what~~
~~xxxxxx~~ A It was long in July or August there at Lewis' Kell's place on Cabin Creek.
 Q When was that? A Long in July or August, he was going with a man who had some cattle, taking them to Kansas.
 Q What year? A In '66.
 Q Where was the Lewis Bell place? A On Cabin creek.
 Q How far from where Vinita is now? A 10 or 12 miles, below there.
 Q Do you know where he lives now? A No sir I don't.
 Q Do you know his wife? A No sir.

By Davenport-

- Q Was he living on Cabin Creek when you saw him? A No sir.
 Q Just going through to Kansas? A Yes sir.
 Q Passing through with some cattle? A Yes sir.

By the Commission of the applicant:

- Q Is your name on the Kern Clifton roll? A Yes sir.
 The 1880 authenticated roll of the Cherokee Nation examined and the applicant not found.
 The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.
 The Kern Clifton roll examined and the name of the applicant and his children found thereon as follows:
 Page 137 No. 3393, Arter Martin
 Page 137 No. 3395 Lina Martin
 Page 137 No. 3396 Guy Martin
 Page 137 No. 3397 Fred Martin.
 Page 137 No. 3398, Eliza Martin.
 Page 137 No. 3399 Arter Martin.

- Q Did you ever draw money for your wife? A No sir.

None of the applicants found on the Wallace roll of the Cherokee Nation upon an examination thereof.

- Q You were married in the Choctaw Nation? A Yes sir.
 Q Are these children all living with you? A Yes sir.

By Con'r Needles,

Otto Martin applies for himself and five children as Cherokee freedmen and for his wife Frances as a Cherokee freedman by intermarriage. Upon examination of the authenticated roll of 1880 and the census roll of 1896 the applicant cannot be found; he and his five children are duly identified on the Kern Clifton roll, he as Arter, and his youngest child Otto Jr. as Arter. He makes satisfactory proof as to residence, ~~avows that he was married to his wife Frances~~ in the Choctaw Nation and has been living with her continuously for some thirty years. Now the said Otto Martin and his five children as named in the testimony will be listed for enrollment as Cherokee freedmen on a doubtful card, and his wife Frances as a Cherokee freedman by intermarriage on a doubtful card. The applicant will be notified on the final decision of the Commission by mail.

S U P P L E M E N T A L .

By Mr. Smith of the applicant:

- Q When you met Mr. Lindsay, were you with a bunch of cattle?
 A Yes sir.
 Q Where had you gotten those cattle? A When I got with them-
 well the cattle came from Mud Creek, Chicksaw nation.

By Davenport-

- Q Those cattle ~~xxxx~~ didn't come from Texas then? A No sir.
 Q Do you know the man that owned the cattle? A Yes sir.
 Q What was his name? A Hardrick/
 Q What was his first name? A His first name was Stephen.

Chas. vonWeise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes.

(signed) Chas. vonWeise.

7

Subscribed and sworn to before me this the 26th of June, 1901 at
Nowata, I. T.

(signed) T.B. Neesles,
Commissioner.

M.D. Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he made the foregoing copy
and that the foregoing is a true and complete copy of the original
transcript.

M.D. Green

Subscribed and sworn to before me this August 17, 1901.

T.B. Neesles

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., Mex. June 13, 1901.

At the hearing of the application of Annie Robinson for the enrollment of herself and two children as Cherokee Freedmen; being sworn, she testified as follows:

- Q What is your name? A Annie Robinson.
Q How old are you? A 25 or 6.
Q What is your post-office address? A Catala, I. T.
Q What district do you live in? A Cooweescoowas.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Two children.
Q What are the names of your children? A Thomas Robinson.
Q How old is Thomas? A Four years.
Q What is the next one named? A Willie Robinson, a girl.
Q How old is Willie? A Two years old.
Q Are you married? A Yes sir.
Q What is your husband's name? A James Robinson.
Q Is he a citizen? A No sir.
Q Is your name on the roll of 1890? A No sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A Yes.
Q When were you married to Mr. Robinson? A Six years I believe.
Q Have you lived with him all the time since you married him?
A Yes sir.
Q Are you his first wife? A Yes sir.
Q He your first husband? A Yes sir.
Q What is your mother's name? A Frances Martin.
Q What is your father's name? A Otto Martin.

Wern-Clifton roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 137 #3401 Annie Martin, (No district.)
Wallace roll of citizens of the Cherokee Nation examined for applicant and not found;
1890 authentic roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

- Q Where were you born? A Sallisaw.
Q Cherokee Nation? A Yes sir.
Q You lived in the Cherokee Nation all your life? A Yes sir.
Q These two children born in the Cherokee Nation? A Yes sir.

Com'r Needles: Annie Robinson applies for the enrollment of herself and two children, Thomas Robinson and Willie Robinson; she avers that she married one James Robinson, a non-citizen; her name cannot be found upon the authenticated roll of 1890 or the census roll of 1896; but she is duly identified upon the Wern-Clifton roll, according to page and number of the roll as indicated in the testimony; she avers that she is a child of Otto and Frances Martin, and said Otto has been duly listed for enrollment as a Cherokee Freedman on a doubtful card, #392; the testimony taken in said case will be made a part of the record of the applicant, and a copy thereof will be filed herewith; said Annie Robinson and 2 children enumerated herein will be listed for enrollment as Cherokee Freedmen on a doubtful card; she will be duly notified of the decision of the Commission when arrived at, by mail. She makes satisfactory proof of birth as to her two children, their names not appearing upon any of the rolls.

Annie Robinson et al 2

J. D. Green, first duly sworn, states that as stenographer to the
Commissioner of the Five Civilized Tribes he correctly recorded the
testimony of the witnesses in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

J. D. Green

He is duly sworn to before me this June 22, 1901.

J. D. Green

Commissioner.

DEPARTMENT OF THE INTERIOR,
MISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 2 1901

[Signature]
Acting Chief

72724

File with case of Annie Robinson, et al., C.F.-D.#724.
Supl. C.F.-D.#692.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 20, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of OTTO MARTIN, et al., as Cherokee Freedmen, introduced on the part of the Cherokee Nation.

APPEARANCES:

Mr. Hollette, of Counsel for Applicants;
Mr. Hastings, Attorney for Cherokee Nation.

A. F. LINDSEY, being duly sworn, testified as follows:
Q. MR. HASTINGS: What is your name? A. E. W. Lindsey.

Q. What is your age, Mr. Lindsey? A. 69 years.

Q. Are you a citizen of the Cherokee Nation by adoption?

A. Yes, sir.

Q. How long have you lived in the Cherokee Nation? A. About 41 years.

Q. You were here then before the war? A. Yes, sir.

Q. Were you married to a citizen of the Cherokee Nation before the war? A. Yes, sir.

Q. What was your wife's maiden name? A. Mariah Bryant.

Q. What was her father's name? A. Joel M. Bryant.

Q. Did you know a slave before the war by the name of Otto Martin?

A. Yes, sir.

Q. To whom did he belong when the war came up? A. He belonged to J. M. Bryant.

Q. Do you know from whom he purchased him? A. Yes, sir, Sarah Martin.

Q. What was Sarah Martin's husband's name? A. Brice Martin.

Q. What became of Otto Martin during the war? A. Well, Mrs. Bryant taken him with the balance of the family to the Choctaw Nation and he lived there with them during the war.

Q. Were you along with them? A. No, sir, not all the time, frequently I was there, my family was living there alternately.

Q. What became of Otto just after the war? A. Well, about the close of the war he went over into Fannin County, Texas, preparatory to making a trip to Mexico.

Q. MR. HASTINGS: Mr. Lindsey, were you along? A. Yes, sir, and he sold him there.

Q. MR. HASTINGS: Was that before the close of the war? A. About the latter part of May, 1865.

Q. Is that the last you saw of him there? A. That is the last when we left him there.

Q. Well, now, when did you first return to the Cherokee Nation after the war? A. Well, I got to my home on the 15th of December, some 35 miles north of here; I passed through this city on the 16th of December.

Q. What year? A. 1867, I arrived at my home from Grand river.

Q. Did you ever see Otto Martin after that? A. Yes, sir, I think it was the next June following, '66, that I met him in the road up on what we called the old Military road and above the old Union Salt Lick.

Q. Did you have any talk with him at that time? A. Yes, sir, we met and I recognized him and he recognized us and of course cordial greeting which would naturally follow.

Q. Did you ask him where he was from? A. Yes, sir, I asked him where he was from, where he was living.

Q. And we saw him? A. Well, his answer was that he just
came from Texas, just come up from Texas.

Q. Was the cattle along with him? A. No, sir, he was nearly be-
tween Brushy creek and Chouteau creek, and the cattle was off south
of Brushy creek out on the prairie off to the right; I was going
down to Saline and got up on the hill I saw the cattle up on the
hill to the right, and told me the cattle was camped back there on
the Elm branch, we called it.

Q. That was the first time you saw him after the war? A. Yes, sir.
Q. Were you in the Cherokee Nation at any time during the year of
1865? A. No, sir.

Q. You landed here at your old home on the 15th day of December,
1867? A. Yes, sir.

Q. You saw him the next June, '68? A. Yes, sir.

Q. If Martin said you were here in the Cherokee Nation in 1866 he
was mistaken? A. Yes, sir, I was in the Republic of Mexico all of
1866.

Q. ~~THE WITNESS~~ Mr. Lindsey, you say that Otto Martin was owned
by Joel Bryant at the beginning of the war? A. That is correct.

Q. Where was Otto Martin at the beginning of the war? A. The post
office then was called the Grand Saline, it is on the west side of
Grand river, well about three miles from the Grand Saline.

Q. In the Cherokee Nation? A. Yes, sir.

Q. Joel Bryant was a Cherokee Indian? A. No, sir, he was adopted.

Q. He was a citizen of the Cherokee Nation? A. Yes, sir.

Q. By adoption? A. Yes, sir.

Q. His wife was a Cherokee? A. Yes, sir.

Q. Well, do you say Joel Bryant sold Otto Martin? A. Yes, sir.

Q. The latter part of 1865? A. About the latter part of May, 1865.

Q. Well, that was after he had been freed by law wasn't it?

Q. I could not say about that; the section of the country we was in
we didn't know anything about that, we was buying and selling at
them times.

Q. You know that Otto Martin was in the Cherokee Nation, a slave in
the Cherokee Nation, at the breaking out of the war? A. Yes, sir.

Q. Well, Mr. Lindsey, what place did you meet him in '66?

Q. Didn't meet him in '66.

Q. In '68? A. That we called the Union Salt Lick, some 25 miles
north of here on the west side of Grand river between Brushy creek
and Chouteau creek, near the old Nancy Martin place, a pretty con-
spicuous old place.

Q. You just met him in the road? A. Yes, sir, he and another young
colored man was afoot and I was horseback.

Q. What time in 1868? A. It was in June, the best I recollect,
the latter part of June.

Q. When did you first have your knowledge recalled to this fact,
recalled to the fact of having met him? A. The very fact of having
Otto Martin called up, it would recall that as most anything, Mr.
Mellette, that would happen, most any circumstance would call it up;
the first time I had it recalled back and that I might have thought
of that it was 1898 you had your Kern-Clifton Commission, he

Q. That was in 1895? A. I testified then, that was the first di-
rect.

Q. You don't know how long he had been in the Cherokee Nation at
that time? A. No, sir, he said he just come up from Texas.

Q. You don't know whether he had been here and gone back to Texas
or not? A. I do not.

MR. HASTINGS: Do you know where Otto Martin now lives?
A. No, sir.

Q Do you know any of his family? A No, sir.

Commission: This testimony is ordered made a part of the record in the following Cherokee Freedmen cases: #D.692, #D.703, #D.714, and #D.724.

---000000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 20th of September, 1901.

C. R. McArthur

Commissioner.

SUPPLEMENTAL: C.R. D-197, Jennie Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 2, 1901.

In the matter of the application of Jennie Martin for enrollment as a Cherokee Freedman.

TESTIMONY ON PART OF THE CHEROKEE NATION.

Appearances:

J.F. Faulds, Esq., Attorney for the applicant;
J.S. Davenport, Esq., of Attorneys for the Cherokee Nation.

Commissioner Breckinridge: The record shows that notice of the taking of testimony was delivered to the applicant on the 25th day of September, 1901, testimony to be taken this day at Vinita; notice delivered by John Parks, Marshal of the Cherokee Nation.

G W. CLARK, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A G.W. Clark.
Q How old are you? A I am 58 years old, going on 59.
Q What is your post-office address? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.

BY MR. DAVENPORT:

Q Where were you living at the breaking out of the war, Judge? A On Grand river; I was mustered out of the service on the last day of May, '65, and came there and was married there on the 3th day of June, and remained there ever since.

Q Did you know Uncle Joe Martin before the war? A Yes sir. And I lived neighbor to him after the war.

Q Did you know a slave, Welse Martin, that belonged to him? A Yes sir.

Q You know whether or not he went out of the Nation during the war? A Yes sir, he went North during the war, refugeeed with the balance of the people and went to Kansas.

Q Did you see Welse Martin after the war? A Yes sir, he went back in the neighborhood where I settled sometime after the war.

Q Did he carry his family when he went out during the war, or did he have a family? A Yes sir, I think his whole family went with him.

Q How when did he come back? A He moved back in the spring of '68; I think he came down on a visit in the fall of '67 and then he moved back in '68.

Q Did you learn from a conversation with him what place he went during the war, whether he went to Kansas, Missouri or where?

A He was in Kansas.

Q And he moved his family back in the spring of '68? A Yes sir.

Q Did you know the names of any of his family? A I guess I remember the names of most of them; he had a large family.

Q Did he have a girl named Jennie? A Yes sir, she married a fellow named Fred Martin; he used to belong to Joe Martin; he is a young black fellow, no he is not any more now.

Q Did he have a son named Harvey? A Yes sir, he had one named Harve, but then there's several before him.

BY COM'R BRECKINRIDGE:

Q Where did you say you knew Nelson Martin? A He moved right back there in the neighborhood.

Q Did you know him before the war? A Yes sir, I had seen him before the war.

Q Who did he belong to? A He belonged to old Uncle Joe Martin; he had him from the old Aunt Lucy Martin homestead.

Q Where did you see Nelson Martin during the war? A I didn't see him during the war, he went to Kansas.

Q Where were you during the war? A I was in the Northern Army.

Q Were you in the Territory here? A Yes sir all the time, we were stationed there at Fort Gibson about two years after we got in there; we refunded back south in the States of Arkansas and Missouri down in there and then we came to Gibson in the spring and were stationed there practically all the time until I was mustered out there last day of May, '65.

Q Your old home, how far was that from Gibson? A About 18 miles from Gibson.

Q Did Nelson Martin live near you? A No sir, he lived up on the river near where I live now.

Q You were ~~mustered out at Gibson~~ mustered out at Gibson? A Yes sir on the last day of May, '65.

Q And the first time you saw Nelson Martin after the war was in the spring of '68? A I think he came down on a visit in the fall of '67, and then he moved in the spring of '68.

Q Where were you living in the spring of '68? A I was living on what is known as the Six Mile Bottom on Grand river, about 4 or 5 miles from where he settled when he came back, he settled on the place below there about 4 or 5 miles on the river.

Q How do you know he came back from Kansas when you saw him in the spring of '68? A He moved back here with ~~the~~ a couple of bay ponies and he came over there to do some work for me, he was running out of provisions, and he worked ~~fast~~ off and on for me for years and years.

Q How do you know he just came back from Kansas? A He said he came back from Kansas. He said he lived in Kansas and went on and told me what he was doing up there.

Q He said he just came back? A Yes sir, well I believe I saw him when he first came back, I know I did, there was 3 or 4 of them together.

Q Who was with him? A There was an old colored man that used to belong to old Joe Lynch, called him Steve Lynch.

Q He was with him? A Yes sir.

Q Is he living now? A No sir, he is dead, and Nelson is dead too.

Q Nelson had a son named Fred? A No sir, son-in-law.

Q Jennie Martin, was she his daughter? A Yes sir, she married this Fred Martin.

Q Married a man of the same name? A Yes sir, but they belonged to the same man, but they wasn't no kin; this old uncle Fred Martin, this Fred Martin's father, his name was Fred too, and he belonged to Uncle Joe Martin and Jennie did too; Jennie was old Nelson Martin's daughter and Fred was Fred Martin's son.

Q How old was Jennie when you saw her father Nelson in the spring of '68? A She was young then, just a chunk of a girl like.

Q That was before her marriage? A Yes sir.

Q Nelson you say is dead? A Yes sir.

Q Did he continue to live in the Cherokee Nation from '68? A Yes sir, he continued to live right close to me, not a quarter from my fence.

Q How long has Nelson been dead? A I think about 2 years ago this spring.

Q And Jennie came back with him? A Yes sir, she moved back with him.

Q Had quite a large family? A Yes sir, quite a bunch of children that was under age, and then he had one John, I think he was intermarried but he got into a fighting scrape and was killed in the neighborhood there.

Jennie Martin (sup'1) 3

Q Has this Jennie lived in the neighborhood ever since she was born?
A Yes sir, I think so, and her family has lived right there in the neighborhood near me.

R. L. MARTIN, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name, please? A R. L. Martin.

Q How old are you? A Going on 54.

Q What is your post-office? A Pensacola.

Q How long have you lived in the Cherokee Nation? A All my life.

BY MR. LAVENPORT:

Q Your father was named Joe Martin was he Mr. Martin? A Yes sir.

Q Do you know whether or not your father owned a slave at the breaking out of the war named Nelson Martin? A Yes, he did.

Q Were you old enough to remember him then? A Oh yes.

Q You know whether or not Nelson Martin, together with his family, left the Cherokee Nation during the war? A Yes, they left.

Q Did your father leave the Nation during the war? A Yes, he went South.

Q Well when did you and your father return to the Cherokee Nation after the war, or did you return? A He come back in November, '66, and I come with him.

Q Did you ever see Nelson Martin after the war, or any of his family?
A Yes.

Q When did you see them with reference to the time you returned after the war? A As well as I can remember it was in '67, they came there on a visit.

Q It was after you and your father returned from Texas was it? A Yes sir, the next year.

Q Did he have his family with him at that time? A No, hadn't moved here yet.

Q Did he bring his family after that? A Yes, the next year as well as I can remember; that is, he said he was going to move down.

Q When he came to your place on a visit, what, if anything, was said by him as to where he came from when he came there? A He came from Kansas, he said.

Q Then he went away again did he? A Yes sir.

Q And afterwards brought his family? A Moved down after that; I don't know just how soon or how long, as well as I can remember it was the next spring after that.

Q Do you remember the names of any of the members of his family?

A Yes sir, I remember a good many of them.

Q Can you name any of them? A Yes sir, I can name Art and Harvey and Isabel.

Q You know whether or not he had a daughter Jennie? A Jennie, and I believe that's all I remember that's living.

Q Nelson Martin is dead now himself is he? A Yes sir.

Q Do you know any one who came down with him when he moved his family Mr. Martin? A No, I didn't see them.

BY COM'R BRECKINRIDGE:

Q You say Nelson Martin belonged to your father? A Yes sir.

Q Where did Nelson go during the war? A He went to Kansas.

Q When was it you first saw him after the war? A As well as I can remember it was in the spring of '67.

Q You fix it in your mind as being in the spring of '67? A Well we moved in there in November, '66, and as well as I can remember it was the next spring after we got home.

Q Well do you know when he had come back from Kansas before that?

A No, that's the first time I had seen him since that they went away from here time of the war.

Q You met him here in the spring of '67 in the Cherokee Nation?

A He came to our house.

Q Do you know how long before that he had come back from Kansas?
A No I don't know only he said he had just come back then; come down to see us.

Q How long he had just come back? A Yes sir.

Q Do you know whether or not his family had come back with him?

A No, I don't think they did; he hadn't moved.

Q Do you know when his family did come? A My understanding was they came the next spring after that.

Q You don't know that of your own knowledge however? A I didn't see him, I didn't see him move.

Q When was it you first saw his daughter, Jennie, after the war?

A Well I don't remember at all when I first took particular notice of her; I saw the family around there, I didn't go over there very often.

Q Now this daughter Jennie, has she been living in the Cherokee Nation ever since you first saw her after the war? A Yes sir, I think she has, all I know about it.

WALTER A. WEST, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name, please? A Walter A. West.

Q How old are you? A 60 years.

Q What is your post-office? A Spavinaw.

Q How long have you lived in the Cherokee Nation? A 60 years, little over.

Q All your life? A Yes sir.

BY MR. DAVENPORT:

Q Did you know Joe Martin, prior to the war, Mr. West? A Yes sir.

Q Did you know a slave that he owned by the name of Nelson Martin?

A Yes sir.

Q How long before Nelson left the country during the war?

A I suppose he did; he came down from Kansas before the war.

Q About what year did he come from Kansas, if you know, after the war? A Spring of '68, best of my information and knowledge.

Q Is he living or dead now? A He is dead.

Q Did he have a family? A Yes sir.

Q Did you know any of the members of his family? A I knew them all, but I don't know as I know the names of all of them.

Q Do you know the names of any of them? A John Nelson was one, and he had one named Arthur Nelson.

Q Arthur Nelson & Martin? A Martin, and there was a girl I think, it seems to me like it was Jane, I ain't certain, and then there's one lives on Rock Creek, his name is, I don't remember now what it is, but I know it when I hear it.

Q Harvey? A Yes sir, Harvey.

Q Did you leave the Nation during the war? A Yes sir.

Q When did you return after the war? A I returned in February, '66.

Q How long had you been back before Nelson Martin came? A Well I came back in '66 and he got back here in '68.

COM'R BRECKINRIDGE:

Q When it fixes in your mind that you first saw Nelson Martin in '68?

A We had come down here in '68, that is I saw him not exactly in '68 either, but the latter part of, fall of '68 when I saw him personally.

Q Well what reason had you to believe that he was here in the spring of '68? A Well this man Steve Lynch and Steve Henry, he went by two names, I met him in '68, I think in February or March, I ain't positive what month over there on the old Lynch farm; I rode up there pretty early and he come out and several others, and made himself known to me, and said he had just got back. I said who come with him, he said Uncle Nelson and George Bryan, and I never saw

Jennie Martin (sup'1) 5

Not on that morning, but I saw him later on that fall; '68 instead of '67.

Q What was Steve Lynch doing there? A He had just got in, he said the evening before. He said I come yesterday evening was the remark, and I asked him the question who come with him, and he said George Bryan and Uncle Nelson and that 's all I knew about it then at that time, but I saw them later on; they both lived right in my neighborhood after that.

Q Do you know whether any members of Nelson Martin's family were with him at that time? A No sir; I suppose they were with him, I never asked any questions about whether they were with him.

Q You didn't see any of them at that time? A Not that morning. I saw them later on; none but Uncle Steve; that's all.

Commissioner Breckinridge: This will be filed as supplemental testimony in Cherokee Freedmen Doubtful Cases 197, 280, 724, 285, 286, 281 and 297.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this November 7th. 1901.



Commissioner.

Supl.C.D.-D.#692.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 16th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of OTTO MARTIN, ET AL., as Cherokee Freedmen, introduced on part of Cherokee Nation:

APPEARANCES:

Mr. Mellette, of Counsel for Applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

NATHAN CORMICLE, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Nathan Cormicle.

Q Where do you live, Mr. Cormicle? A I live near Catale.

Q How old are you? A 53.

Q How long have you lived near Catale? A About 28 years.

Q Do you know Otto Martin? A Yes, sir, I know, or know of him.

Q How long have you known him? A I have known him for about eight or ten years I guess.

Q How far does he live from you? A He lives about a half mile north of where I live.

Q How long has he been living there? A He has been living there to my memory about, somewhere between three and four years.

Q Well, when he came there to that place did you have any conversation with him as to where he had been living, or his rights in the Cherokee Nation? A No, sir, I never talked to him until he bought that place and we met up and have had several talks; he never did say anything about having any right in the country except one time.

Q Well, now, just state what that conversation was? A He said he was, they was hurrying along to get the things fixed up and know what they was going to do with him before the Dawes Commission.

Q Did he say anything about where he had been living? A He had been living a while before that still on west of that, it is my understanding that he bought a place from Polk Milharlan.

Q Did he say he was living in the country before that? A No, sir, he spoke of living in Kansas and Choctaw and Chickasaw country.

Q I am asking you what the conversation was with reference to where he had been living? A Well, just, he seemed to want to know what they were going to do about his citizenship.

Q Did he say anything about his citizenship? A No, sir; he said he thought he come too late, that was the greatest complaint he had.

MR. MELLETTE: When did he say that, Mr. Cormicle? A He said this as well as I remember about two years ago, or about a year.

Q Didn't he say that they claimed he was too late? A He said he was too late himself.

Q Well, now, he was claiming citizenship here? A Yes, sir.

Q He was an applicant before the Dawes Commission for citizenship?

A Yes, sir.

Q And still he told you he had come here too late to be a citizen?

A That was what he was afraid of, that was all he feared.

Q That was what he was afraid of? A Yes, sir.

Q Didn't he say that the Cherokee Nation was trying to say that he was too late to be a citizen? A No, sir, he didn't say anything about the Cherokee Nation saying that he would be too late; he just said to me he was too late.

Q Were you paying any particular attention to that conversation?

A Yes, sir, I met him in the road and was talking to him same as any other man.

Q Do you swear that you give the exact import of his conversation?
A No, sir, I wouldn't say that I give every word just as it was talked, but as far as the citizenship is concerned.
Q Are you giving the exact language that he used? A As far as he claimed that he was here too late, I am.
Q Now, what did he say? A Now, he said he wished they would hurry up so he would know what they was going to do with him, whether he would be recognized as a citizen.
Q Is that the exact language he used? A Yes, sir, as well as I remember it.
Q You said that you remembered his exact language? A That is what he said.
Q Are you giving his exact language? A As near as I can.
Q Well, now, he did say exactly what you have said? A Yes, sir.
Q And you remember two years, you are giving it word for word?
A I don't claim it is word for word, but it is just as I remember.
Q Nobody told you to remember what Otto Martin said? A No, sir.
Q When did you first think about this conversation you had with him? A I had then, thought about it; he was living there on the place and I was imposed on by his stock.
Q You were imposed on by his stock? A Have been; haven't been lately.
Q How much land have you got down there? A About 160 acres of land.
Q Are you a citizen? A Yes, sir.
Q Have you all you are entitled to? A No, sir.
Q Are you trying to get Otto Martin's place?
A No, sir, the place he has got there I wouldn't want, it is hilly and I own all the land of that kind I want.
Q The fact of the business is you have had some trouble with him about it, haven't you? A No, sir; I could have had it before he ever moved there if I wanted it.

Com'r Needles: This testimony will be made part of the record in the case at bar, and also part of the record in Freedmen cases D.#703, D.#714 and D.#724.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 24th, 1901.

C. A. Hendricks
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alexander Irons, et al., as Cherokee Freedmen, consolidating the applications of --

Alexander Irons,	Cherokee Freedmen D- 181.
William Lane, et al.,	Cherokee Freedmen D- 395.
Reuben Lane,	Cherokee Freedmen D- 397.
Ira Lane,	Cherokee Freedmen D- 399.
Emma Lane, et al.,	Cherokee Freedmen D- 400.
Mitchell Lane,	Cherokee Freedmen D-1056.
Otto Martin, et al.,	Cherokee Freedmen D- 692.
Willis Martin,	Cherokee Freedmen D- 703.
Charlie Martin,	Cherokee Freedmen D- 714.
Annie Robinson, et al.,	Cherokee Freedmen D- 724.

D E C I S I O N

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Alexander Irons for himself; by William Lane for himself and his sister, Chaney Lane; by Reuben Lane for himself; by Ira Lane for himself and his two sisters, Emma and Laura Lane; also by said Emma Lane for her children, Fannie and Willis Lane; by Mitchell Lane for himself; by Otto Martin for himself and his minor children, Lindsay, Guy, Fred, Eliza and Otto Martin, Jr., as Cherokee freedmen, and for his wife, Frances Martin, as a Cherokee freedman by intermarriage, but as the status of persons applying for enrollment as Cherokee freedmen by intermarriage is not fixed at this time the application for the enrollment of Frances Martin, as such, will not be passed upon or considered in this decision; by Willis Martin for himself; by Charlie Martin for himself; by Annie Robinson for herself and her minor children, Thomas and Willie Robinson; and subsequent to her original application an affidavit was filed showing the birth of her minor child, Luckey Robinson, and the same is made a part of the record herein. The testimony taken at Vinita, Indian Territory, on October 2, 1901, in the matter of the application of Jennie Martin is also made a part of the record herein.

The evidence shows that the applicants, Otto Martin, Rachel Lane (now deceased), and her son, Alexander Irons, who is also one of the applicants herein, were the slaves of Cherokee citizens at the commencement of the rebellion; that they were taken out of the

Cherokee Nation during the rebellion and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

It further appears that all the other applicants herein were born since 1866; that they are the descendants of said Rachel Lane and Otto Martin, respectively, and have no rights as Cherokee freedmen ~~as~~ except such as they may have derived through said ancestors. It does not appear that Rachel Lane or any of the applicants herein are identified upon the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Alexander Irons, William Lane, Chaney Lane, Reuben Lane, Ira Lane, Emma Lane, Laura Lane, Fannie Lane, Willis Lane, Mitchell Lane, Otto Martin, Lindsay Martin, Guy Martin, Fred Martin, Eliza Martin, Otto Martin, Jr., Willis Martin, Charlie Martin, Annie Robinson, Thomas Robinson, Willie Robinson, and Luckey Robinson as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSIONERS OF THE CIVILIZED TRIBES,

(Signed) Tame Dixby,
Chairman.

(Signed) T. B. Needles,
Commissioner.

(Signed) C. R. Treckinridge,
Commissioner.

Muskogee, Indian Territory,

this Aug 25 1904

COPY.

Cherokee Freedmen
D 724

Muskogee, Indian Territory, August 27, 1904.

Annie Robinson,
Catale, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your minor children, Thomas, Willie and Luckey Robinson, as Cherokee freedmen, together with a copy of the Commission's decision dated August 25, 1904, in the consolidated case of Alexander Irons, et al., rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

Tams Birby.
Chairman.

Encl. V-53
Register.

COPY

Cherokee Freedmen
B 121, et al.

Mustang, Indian Territory, August 27, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Alexander Irens, et al., together with the Commission's decision dated August 25, 1904, rejecting the applications for the enrollment of Alexander Irens, William, Henry, Reuben, Ira, Emma, Laura, Fannie, Willis and Mitchell Irens, Otto, Lindsay, Guy, Fred, Eliza, Otto, Jr., Charlie and Willis Martin and Annie, Thomas, Willie and Luskay Robinson as Cherokee Freedmen.

Respectfully,

(Sent

James Dixby.

Assistant.

Enc. V-66

Through the
Commissioner of Indian Affairs.

Cherokee Freedmen
D 121, et al.

Muskogee, Indian Territory, August 27, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, in the consolidated case of Alexander Irens, et al., rejecting the applications for the enrollment of Alexander Irens, William, Chassey, Reuben, Ira, Emma, Laura, Fannie, Willis and Mitchell Lane, Otto, Lindsay, Gay, Fred, Eliza, Otto, Jr., Charlie and Willis Martin and Annie, Thomas, Willie and Luskay Robinson as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-55

James Fixby.
Chairman.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply to OFFICE OF INDIAN AFFAIRS,
the following:

WASHINGTON, September 28, 1904.

Land.

59484-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 24, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Alexander Irons for himself; by William Lane for himself and his sister, Chaney Lane; by Reuben Lane for himself; by Ira Lane for himself and his two sisters, Emma and Laura Lane; also by said Emma Lane for her children, Fannie and Willis Lane; by Mitchell Lane for himself, by Otto Martin for himself and his minor children, Lindsay, Guy, Fred, Eliza and Otto Martin Jr.; by Willis Martin for himself; by Charlie Martin for himself; by Annie Robinson for herself and her minor children, Thomas, Willie and Lindsay Robinson.

August 25, 1904, the Commission decided adversely to all the applicants.

The record shows that the applicants, Otto Martin, Rachel Lane (now deceased), and her son, Alexander Irons, an applicant herein, were the slaves of Cherokee citizens at the beginning of the war of the rebellion; that they were taken out

of the Cherokee Nation during the war and did not return and establish a residence therein on or before February 11, 1867.

It further appears that all of the other applicants were born since 1866; that they are the descendants of Rachel Lane or of Otto Martin, and have no rights to enrollment except such as they may derive through their ancestors.

It does not appear that any applicant herein is identified on the 1880 authenticated Cherokee roll, but the most of them are identified on the Wallace roll or the Kern-Clifton roll.

In view of the record ~~the~~ approval of the Commission's decision adverse to ~~the~~ applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.M.
W.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

W. C. F.
Y. P.
PHE

D. C. 45640-1904

WASHINGTON. November 23, 1904.

I. T. D. 8592-1904.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 27, 1904, you transmitted the record in the consolidated Cherokee freedman case of Alexander Irons, et al. (D 181, et al), including your decision of August 25, 1904, which was adverse to the applicants.

Reporting in the matter September 28, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen
D-724.

Cherokee, Indian Territory, December 7, 1904.

Annie Robinson,

Catale, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated April 25, 1904, rejecting, among others, the application for the enrollment of yourself and your minor children, Thomas, William and Esther Robinson, as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 23, 1904.

Respectfully,

Tamc Dinty.
Chairman.

COPY.

Cherokee Freedmen
D-181, et al.

Muskogee, Indian Territory, December 7, 1904.

Pell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated August 25, 1904, respecting the applications for the enrollment of Alexander Irons, William, Chaney, Reuben, Ira, Emma, Laura, Fannie, Willis and Mitchell Lane; Annie, Thomas, Willie, and Luckey Robinson; Willis, Otto, Lindsay, Guy, Fred, Eliza, Otto Jr. and Charlie Martin, as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 23, 1904.

Respectfully,

Tam M. Smith
Chairman.

Cherokee Freedmen
D-724.

Muskogee, Indian Territory, December 19, 1904.

Annie Robinson,

Catale, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of December 13, asking if your application for enrollment as a Cherokee freedman had been approved by the Secretary of the Interior, and stating that you did not understand the Commission's letter to you of December 10, 1904.

In reply you are advised that on December 7, 1904, the Commission wrote you as follows:

"You are hereby advised that the Commission's decision dated August 25, 1904, rejecting, among others, the application for the enrollment of yourself and your minor children, Thomas, Willie and Luckey Robinson, as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 23, 1904."

The Commission is unable to state the case more clearly.

Respectfully,

(SIGNATURE) *Tame Dixby*
Chairman.

Cherokee Freedman
R-699

Muskogee, Indian Territory, May 28, 1906.

Annie Robinson,
Catala, Indian Territory.

Dear Madam:-

You are hereby advised that the motion filed by
your attorneys September 7, 1905, for a review in your Cherokee
freedman enrollment case, was dismissed by the Department
May 2, 1906.

Respectfully,

Commissioner.

IMC

Muskogee, Indian Territory, May 28, 1906.

Plue & Bulger,
Attorneys for Eliza A. Arnold, et al.,
Vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

WV

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC
Incl. C-2

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

ss

In the matter of the application of

Annie

for enrollment as a Cherokee Freedman.

Robinson

No. F. D. *724*

Henry Pack, of lawful age, being duly sworn on
oath states that on the *14th* day of *September*, A. D., 1901, he registered
to *Annie Robinson* whose postoffice is *Catale*

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at *Fork Gibson* Indian Territory;

and that on the *24th* day of *September*, 1901, he received the return
card which is hereto attached, signed by ~~the said~~ *Annie Martin*, showing
that he had received said notice.

Subscribed and sworn to before me on this the *24th* day of *September*, A. D. 1901.

J. O. Starr

Notary Public.

File 724

INDIAN TERRITORY,
CHEROKEE NATION.

Thereby certify that I served the within
notice on

by delivering a true copy thereof on the
day of A. D. 1901

Given under my hand this
day A. D. 1901

Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
day of , 1901

Attorney for applicant

UNITED STATES OF AMERICA,
INDIAN TERRITORY S. S.
SOUTHERN DISTRICT

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901

FILED
SEP 2 1901

NOTICE!

IN THE MATTER OF The application of **Annie Robinson**
for enrollment as a Cherokee Freedman:

Case No. F. D. **724**

To **Annie Robinson** *Catale* **I. T.**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *For Gibson I. T.* Indian Territory, on the following dates, to-wit: **Sept. 19th** *8 o'clock A. M.* A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this *SEP 14 1901* day of *13* *1901*.

W. M. Hastings

J. S. Davenport
Attorneys for the Cherokee Nation.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 12 1901
 Post Office Cataula, Ga.
 District Co. 5

1. Name _____ Age _____
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

1. Name of wife Annie Robinson Age 25
 Owner's name _____ Citizenship _____
 Year 186 Page 137 No. 340 District _____

Parents:

Father Edw Martin - living Citizenship _____

Mother Frances Martin - " Citizenship _____

Names of Children:

2.	<u>Thomas Robinson</u>	Year _____	Page _____	No. _____	Dist. _____	<u>4</u>
3.	<u>Willie</u>	Year _____	Page _____	No. _____	Dist. _____	<u>2</u>
5.		Year _____	Page _____	No. _____	Dist. _____	
6.		Year _____	Page _____	No. _____	Dist. _____	
7.		Year _____	Page _____	No. _____	Dist. _____	
8.		Year _____	Page _____	No. _____	Dist. _____	
9.		Year _____	Page _____	No. _____	Dist. _____	
10.		Year _____	Page _____	No. _____	Dist. _____	
11.		Year _____	Page _____	No. _____	Dist. _____	
12.		Year _____	Page _____	No. _____	Dist. _____	

Application made by W. L. H. Stenographer M. C. Green

1. On 15. 6. roll as Annie Martin.
2 and 3 aff. required

X Ref. D. 692

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

W. B. BAXBY, JR.,

Commissioner.

CH. 10, 11, 12.

CH. 10, 11, 12.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. D. 700

Trans. from Cher. F. D. 730

Cher. Fr. R. 700

Department of the Interior,
Commission to the Five Civilized Tribes,
Wheeler, I. T. June 12, 1901.

In the matter of the application of Eliza Ratcliffe for the enrollment of herself as a Cherokee freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Mr. Mellette, of Mellette & Smith, for the applicant
Mr. Davenport, for the Cherokee Nation.

Q What is your name? A. Eliza Ratcliffe.
Q How old are you? A. About 60 I guess.
Q What is your last name? A. Welch.
Q Is your name on the authenticated roll of 1880? A. It is on all the rolls.
Q Who do you want to enroll besides yourself? A. Nobody else. My son can enroll himself.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant and name not found thereon.

Q Did you ever draw any money? A. No sir. Another woman drawed it for me.
(By Mr. Mellette)
Q Eliza, where did you live during the war? before the war? A. At Ratcliffe's.
Q What Ratcliffe's? A. Old Dick Ratcliffe.
Q Where was that? A. On Cane Hill.
Q Where is Cane Hill? A. That's all I can tell you, just Cane Hill.
Q Cherokee Nation? A. Yes sir.
Q Was he a Cherokee Indian? A. I was just hired to him.
Q Who was your owner? A. Dick Ratcliffe.
Q Who was it you was hired to then? A. Hired to Kidd.
Q Dick Ratcliffe was a Cherokee Indian? A. Yes sir, he was a fullblood.
Q Where did he live? A. On Caney.
Q In the Nation? A. Tahlequah district
Q Tahlequah district, Cherokee Nation? A. Yes sir.
Q And you were hired out? A. Yes sir.
Q To a man named Kidd? A. Yes sir.
Q Now during the war, where were you? A. I was down on Caney I think, with D. R. Leach.
Q Did you go out of the Cherokee Nation during the war? A. I went down on the Salt Works with Mr. Leach.
Q What Nation was that in? A. On Saline river.
Q In what Nation? A. In the Nation here.
Q Did you go outside of the Nation at any time during the war? A. Not until after the cholera broke out.
Q Where did you go then? A. Went to, I forget the name of the place.
Q In what state? A. Up north.
Q Who went with you? A. L. D. Daniels. He was driving the Government wagon
Q Do you know Easter Grimmer? A. Yes sir
Q Was she with you? A. Yes sir.
Q Is this your paper here? (Hands applicant paper) A Yes sir.
Q Who gave that to you? A. I got it from the, the men give it to me at the payment.

Mr. Mellette: I desire to introduce a certificate here from the Chief of the Cherokee Nation. (Hands paper to Mr. Davenport)
These are authenticated copies.

Mr. Davenport: I object to the filing of these papers, copies because the records are in existence and if there is such a thing as that they can get the original; besides, they do not certify that this is the woman anyway.

Com'r Needles: These are nothing but copies; the originals can be got at Washington if it is there. (Com'r hands papers back to Mr. Mellette)

(By Mr. Mellette:

Q You know what time you came back to the Cherokee Nation? A. Came back

Q Did you ever go to the war? A. Yes sir.

Q Where did you go? A. To the war.

Q Before the war? A. Yes sir.

Q Did you ever go to the war? A. Yes sir.

Q Why not? A. Somebody drew it for me.

Q You knew no that war? A. Indeed I don't.

Q You don't know who got it? A. No sir.

(By Mr. Davenport)

Q You said you went out of the Cherokee Nation at that time? A. I don't know no dates, I don't know what time.

Q You said something about the time the cholera broke out? A. Yes sir, the cholera broke out there in Gibson.

Q That was after the war? A. Yes sir.

Q That was about '67 when the cholera broke out there didn't it? A. I guess it was.

Q How long did you stay out when you went out? A. Just about two years I guess.

Q To what point did you go? A. I went north.

Q You know where to? A. I don't know the name now; I worked awhile there; I can't tell anything about it; I never was questioned before.

Q You don't know where you went? A. Just went up north.

Q Who did you say your master was when the war broke out? A. Old Dick Rateliffe.

Q You worked for a man named Hill at Pine Hill? A. Yes, that was before the war.

Q When the war broke out where were you working? A. I was working at Pine Hill the same.

Q That's over in Arkansas? A. Yes sir.

Q Did you ever go back to Dick Rateliffe? A. Yes sir, I was working at Mrs. Leache's.

Q What Leache was that? A. She was a Cherokee Fullblood.

Q What was her father's name? A. I don't know.

Q Where did she live? A. On Caney creek, on the other side of Caney creek.

Q In what district? A. Tahlequah district.

Q Where is Caney Creek in Tahlequah district, what direction from Tahlequah? A. East of Tahlequah.

Q How far is it from Illinois river? A. It is I guess nearly fifty miles.

Q Nearly fifty miles from the Illinois river? A. I don't know, I can't tell you anything about it.

Q Where have you been living since you came back from wherever you went after the war? A. In Gibson and round there about.

Q Where does theround about part some of it come in? A. 14 Mile creek, just been working around, with nobody, just has myself and little child, and just been working around.

Q Who have you been living with much on 14 Mile creek in Tahlequah district? A. Patey Sanders.

Q What other families were you with? A. Irvin Vann.

Q Where are you living now? A. Living here on Lightning creek.

Q How long have you been living on Lightning creek? A. About three months.

Q Where did you come from to Lightning creek? A. Timbered Hill.

Q How long did you live at Timbered Hill? A. Oh I don't know exactly how long.

Q Well about how long? A. Three or four years.

Q Where did you go from to Timbered Hill? A. Went from there to Coffeyville, little while and from there to here. I have just been living about everywhere pretty near.

Q How long have you lived in Kansas? A. About three years.

Q When was the last time you lived in Kansas? A. I never lived there but once.

Q Where was that, at Coffeyville? A. I never lived in Coffeyville.

Q What place did you live in Kansas? A. I disremember the place, where it was, but I lived in Kansas awhile.

Q Was you grown when you went there? A. Yes sir, I was grown, but I have never been questioned, so I don't know.

Q You don't know when you came back? A. Yes sir, I came back directly after the war.

Q You didn't go until after the war did you; you said you went when the cholera broke out, and the cholera didn't break out until '67 did it?

A. I guess.

Q Are you the Eliza Ratcliffe whose name is on the roll of 1880? A. Yes sir.

Q How many years on the roll of 1880? A. Yes sir.

By Mr. Davenport: I object to that, as being immaterial in this.

Applicant: I can prove it by a hundred people.

Q Who put you on the roll of 1880? A. Andrew Sanders, old man, and Patsy Sanders, on the roll of 1880.

Q Is she dead? A. Yes sir.

Q What was Andrew's name? A. Andrew Sanders.

Q What relation was Patsy Sanders to you? A. We were sister's children.

Q And what was Andrew's name? A. Andrew Sanders.

Q What relation was he to you? A. He married my niece.

Mr. Hellette: I would like for the records to show that Patsy Sanders is on the 1880 roll.

Mr. Needles: They are only cousins.

Mr. Hellette: Well, that's all.

By Mr. Needles:

Q Where were you born? A. On Saney.

Q Were you a born slave? A. Yes sir.

Q Saney in the Cherokee Nation? A. Yes sir.

Q You never went out of the Cherokee Nation until the year of the cholera? A. No sir.

Q You lived here all during the war, in the Cherokee Nation? A. Yes sir.

Q The year of the cholera was about '67 or '8? A. Yes sir.

Q Then you went out? A. Yes sir.

(By Mr. Hellette)

Q When you went out with David Spinnett, what year was it? A. She may remember the year, but I don't.

H. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) H. D. Green.

Subscribed and sworn to before me this June 22, 1901

(signed) T. B. Needles,
Commissioner

Rest of this case taken by stenographer J. O. Rosson

ELIZA RATCLIFFE applicant continued. Former portion reported by Stenographer H. D. Green.

Appearances:

Messrs Hellette & Smith for applicant
Mr. J. S. Davenport for Cherokee Nation.

L. D. DANIELS, being sworn and examined by Commissioner T. B. Needles, testified as follows- Examination by Mr. Hellette:

Q What is your name? L. D. Daniels.

Q Where do you live? A. Live at Claremore, that is my postoffice.

Q How old are you? A. 56.

Q Are you on the authenticated roll of freedmen citizens on the Cherokee Nation? A. Yes sir.

Q Do you know the applicant here, Eliza Ratcliffe? A. Yes sir. I got acquainted with her in '64, sir.

Q Where? A. At the salt lake in Illinois district, Cherokee Nation.

Q Was she a slave in the Cherokee Nation? A. Well I guess so she always went by the name of Eliza Ratcliffe.

Q Well, do you know who her owner was? A. No, I knowed Lewis Ratcliffe, but I don't know who her owner was.

Q Were the Ratcliffes Cherokees? A. Yes sir.

Q Well, now where is the salt works? A. 25 miles east of Fort Gibson on

Q Did you see her there in '64? A. Yes sir.
 Q Did you see her or did she get away from you? A. She was looking for something, a blood Cherokee they called Lecha, and he had to bring her from Flint or Goingsnake or somewhere up there.
 Q And then where did you next see her after that? A. We moved from there and then where did you next see her after that? A. We moved from there and I don't know where she moved from there to Gibson.
 Q Did you see her? A. I lost sight of her.
 Q Did she come to Fort Gibson? A. Yes sir.
 Q How do you know? A. I was in the wagon driving one of the.
 Q She went to Fort Gibson with the army? A. Yes sir.
 Q How long did she stay there? A. I can't tell you sir,
 Q How long did you stay there? A. I went right on up to Kansas with a load of flour, there was about 60 teams or 70 went at the same time, and could not tell you there was so many.
 Q Lewis, how many times was the cholera at Gibson.
 Q Just once the cholera was to my knowing, that was in '67.
 Q Well, wasn't there an epidemic of some kind there during the war?
 A Yes sir, that was in '65, small pox.
 Q So you left Eliza Ratcliffe in Fort Gibson in '64? A. No sir.
 Q Have you known her since that time in the Cherokee Nation? A. The first time, let's see; I believe it was eight or nine years ago at Tahlequah.
 Q And where has she been since that time, have you seen her any more since that? A. Yes sir; I think it was three or four years since that and I think she has been living in Cooweescoowsee since, somewhere on Grand river, and she has been living up there in eight miles of my place I guess seven or eight miles of me, or maybe ten, for two or three years.
 Q Well, now, Daniel, there is another woman; do you know another Eliza Ratcliffe whose name is on the roll of 1880?
 (Objected to by attorney for Cherokee Nation)
 Q What do you know about that? A. I don't know.
 Q Do you know anything about a woman by the name of Yoster? A. That lived with Rabbit Branch; I knew of an old lady about 60 or 70 years old that lived with Rabbit Branch in Flint; she goes by the name of Yoster.
 Q Do you know whether she is the one that has been claimed as Eliza Ratcliffe? A. I don't know.
 Q Did you ever know of another Eliza Ratcliffe in this country except this one? A. Not to my knowledge, I was pretty well acquainted with the Ratcliffs.
 (By Mr. Davenport)
 Q You didn't know all of Ratcliffe's slaves before the war broke out? A. No sir, I knew Dick Ratcliffe and his son and Kiowa and Cherokee.
 Q You don't know where this woman was living when the war broke out? A. No sir.
 Q Nor to whom she belonged? A. No sir.
 Q And you don't know where she has been living since the war? Only as I stated.
 Q All you know about it in '64, you lost sight of this woman after you came to Fort Gibson? A. No sir, I went to Kansas, I don't know where she went.
 Q And you never saw or heard any more of her until about year four ago?
 A. No sir.

EASTER WILLIAMS, being duly sworn by Commissioner T. B. Needler, testified as follows. By Mr. Mallette:

Q What is your name? A. Easter Williams.
 Q Formerly Easter Grinnett? A. That is what I went by before I was married.
 Q How old are you? A. I am somewhere in 50.
 Q Where do you live? A. I live at Big creek.
 Q Are you the Easter Grinnett that applied for enrollment this morning, or did you apply this morning? A. No sir, I was here a witness for my sister.
 Q Are you on the roll of 1880? A. Yes sir.

Q Was she a member of the Cherokee Nation? A. Yes sir.

Q Well, now, do you know the applicant here, Eliza Ratcliffe? A. Yes sir.

Q Well, when did you first see her living there? A. I seen her when we was all slaves, she was my oldest sister's daughter, belonged to Dick Ratcliffe on Illinois river.

Q Was she a Cherokee? A. Yes sir.

Q Do you know whether she left the Cherokee Nation during the war or not? A. She was out at Neosho.

Q Now, do you know? A. Because I know she was there with the refugees.

Q When did she come back? A. She come back when we all come back, we all come back to Gibson as I aforesaid this morning.

Q This Eliza Ratcliffe came back at the same time you did? A. Yes sir.

Q Where did she come to? A. Fort Gibson.

Q Well, now, do you know whether she is the Eliza Ratcliffe whose name appears on the roll of 1830? A. Yes sir, that is her name; the old lady that claimed to be her, Yoster, that drew Eliza's money.

Q Do you know who drew her money on the Kern Clifton roll? A. That gentleman over there. (Referring to Nelson Lowery)

Q You knew the Eliza Yoster that claimed to be Eliza Ratcliffe? A. Yes sir, I knew her.

Q Was she ever known as Eliza Ratcliffe to your knowledge? A. No sir, she always went by the name of Eliza Yoster ever since I was a little girl (By Mr. Davenport)

Q Now, further, how old is this woman? A. Well, I could not tell you just how old she was, she was a slave born.

Q How big was she then the war broke out? A. She was something older than me and I was an away on 50.

Q Well, about how much larger was she than you at the breaking out of the war? A. Big enough to be a house girl.

Q Was she a girl? A. No sir, they uses small children so high (indicating) to nurse babies.

Q Well, do you know where she was living or with whom at the breaking out of the war? A. Yes, sir, she was with my mother at Fort Gibson.

Q Well, she was not living with Kid at Timbered Hill as she atted a while ago? A. I don't know where she went but I knew her.

Q Do you know where she was before the war broke out? A. No sir.

Q Do you know where she was two years before the war broke out? A. I want to be as near positive as I can, they all went to Neosho.

Q You didn't go to Neosho before the war began? A. No sir; I knew her before the war.

Q Do you know where she was living before the war? A. No sir.

Q The first you knew of her was when she was living with her mother at Fort Gibson? A. No sir, I knowed where she was living in Caney.

Q The next time you saw her, was; still the war was going on at Fort Gibson with her mother? A. Yes sir, before the cholera broke out.

Q And from there you went to Neosho? A. Yes sir. When they took us to Neosho.

Q Well, after you come to Neosho what became of her? A. They brought us back to Gibson.

Q Who brought you back? A. The Government soldiers.

Q Well, where has she been living since that time? A. I can't tell you, she will have to talk for herself.

Q You went away from the Cholera to Neosho? A. Yes sir.

Q Was it before or after the cholera broke out they brought you back? A. The cholera was breaking out when they took us up.

Q You didn't come back to Fort Gibson at all after the cholera scourge? A. The slaves went there and it was squally ~~there~~ times.

Q That I want to know is was the cholera over when you came back from Neosho to Gibson? A. It was raging.

Q You are sure you never got back to Fort Gibson after the cholera was over? A. No sir.

Q They carried you up to Neosho and brought you back? A. ~~No sir.~~ They didn't carry you to Neosho to get you away from the cholera? A. No sir, we was away from it.

Q Was you at Neosho when the cholera was at Gibson? A. No sir, we was at Fort Gibson.

Q Well, how long did you been back to Fort Gibson when the cholera broke out? A. I could not tell you exactly.

Q A while ago you told me they carried you to Neosho? A. They did carry

Q I can tell you the cholera was going on. I went and
 Q Did you know an old man over there on Caney by the name of Kidd?
 A No sir.
 Q Did you know Ratcliffe living at the breaking out of the war? A No sir, I
 expect he was dead; there was one Ratcliffe died called his wife, I
 can't tell you which one it was now, it has been too long.
 Q Well, how near have you lived from Eliza since you got back, since
 the war? A. I am living here at Big creek and she is living on Lightning
 creek.

Q That is as near as you lived since the war? A. No sir.
 Q You don't know how near she has been living? A. She will have to tell
 that herself.

Q Are you any relation to Eliza? A. I am her aunt.
 (By Mr. Mellette)

Q Well, now, Easter, they had an epidemic of small pox at Fort Gibson
 about '63 didn't they? A Yes sir.

Q Among the soldiers and people? A. Yes sir.
 Q They had the small pox there several times? A. Yes sir.

Q What was it you said about being there? A. I said we was there during
 the cholera and small pox too; I was in the hospital with Lieutenant
 Ayers as a nurse.

Q And you say she came up there from Neosho in 1866? A Yes sir, about
 four or five hundred negroes they brought back and I came around for her
 and they had to go farther up

ELIZA RATCLIFFE, the applicant, recalled- (By Mr. Mellette)

Q You said a while ago; do you remember about going with Easter Grinnett
 A Yes sir.

Q Do you know where you went? A. I can't think of the name.

Q Is it a fact that you can't remember anything now? A. No.

Q You had had trouble about that have you? A. Yes sir, can't remember
 anything no longer than you speak to me.

(By Mr. Davenport)

Q How did you manage to get up here to enroll? A. I enrolled when I was
 young.

Q How did you happen to be here to enroll? A. I want to know what is going
 on about me.

Q You saw a notice that they would be here to enroll? A. Yes sir.

Q You knew enough to come here and enroll? A. Yes sir.

Q You knew enough to come here and enroll? A. Yes sir.
 (By Mr. Mellette) Your son Ellis is with you isn't he? A Yes sir.

POLLY NIVENS, being sworn and examined by Commissioner T. B.
 Needles, testified as follows: Examination by Mr. Mellette:

Q What is your name? A. Polly Nivens.

Q How old are you? A. 56 years old.

Q Where did you live? A. Fort Gibson

Q Are you on the 1880 roll? A Yes sir.

Q Do you know the applicant, Eliza Ratcliff? A Yes sir.

Q How long have you known her? A. I have known her ever since directly
 after peace was made.

Q Where did you see her directly after peace was made? A In Fort Gibson

Q Do you know whether she has any children at that time? A. I seen one
 with her.

Q Was it a boy or a girl? A. Boy, it is a boy.

(By Com'r Needles)

Q Fort Gibson, in the Cherokee Nation? A. Yes sir.

(Mr. Mellette)

Q Well, have you known here of late years? A. Yes sir, sometime after that
 I seen her again.

Q Where did you see her? A. I saw her in Gibson, I don't know how long
 after that; I don't know how many times after that.

Q Where does he live now? A. I don't know.

(By Mr. Davenport)

Q You didn't know her before the war began did you, Aunt Polly? A. No
 sir.

Q And didn't know her during the war? A. No sir, a while after the war
 seen her.

Q Some time after the war you saw her? A. Yes sir.
Q You don't know when it was? A. No sir.

GEORGE VANN, being duly sworn by Commissioner T. B. Needles,
testified as follows: (By Mr. Mallette)

Q What is your name? A. George Vann.
Q What is your age? A. 51.
Q Where did you live? A. Verdigris river.
Q Are you on the roll of 1880? A. Yes sir.
Q As a free man citizen of the Cherokee Nation? A. Yes sir.
Q Do you know the applicant, Eliza Ratcliffe? A. Yes sir, I have been knowing her about ten or twelve years.
Q Where have you known her for ten or twelve years? A. I first seen her at Eliza Sanders.
Q In the Cherokee Nation? A. Yes sir, around Tahlequah.
Q Where have you seen her since that time? A. Around Tahlequah district and up here.
Q Where is she living now? A. On Lightning creek.
Q Well, now, did you know a woman by the name of Yoster that is claimed that was the Eliza Ratcliffe that is on the 1880 roll? A. I used to know her a long time ago.
Q Where did you know her? A. Park Hill.
Q What was her right name? A. I don't know, never did hear any name but Yoster, that is the only name I have heard called.
Q If she was ever called by the name of Eliza Ratcliffe you don't know it? A. No sir.

(By Mr. Davenport)

Q You never knew anything about these people during the war? A. No sir.
Q And before the battle of Horse creek? A. No, sir.
Q You didn't see any of them at all after that? A. No sir.
Q Where was this woman Yoster living when you saw her? A. She was living at Park Hill at old man Ross', when I was a little bitty chap.
Q That was before the war was it? A. Yes sir.
Q Which one of the Rosses? A. Chief.
Q And how long before the war was that? A. I don't know.
Q You are sure it wasn't the Murrell place? A. Old Chief Ross'.
Q How far did old Chief Ross live from the Murrell place at that time?
A I reckon it was a mile and a half or not so far.
Q You didn't know where this woman was living at, you just happened to see a woman there before the war? A. They said it was Yoster.
Q You just happened to know a woman down there before the war? A. Yes sir.
Q And when you answered Mr. Mallette's question you said it was the same lady? A. I don't know anything about the Yoster woman going by any other name besides Yoster.
Q Don't know whether she was a slave or not? A. No sir.
Q How old were you when the war broke out? A. I reckon I was ten or twelve years old, something like that.

ELLIS RATCLIFFE, being duly sworn by Commissioner T. B. Needles,
testified as follows: (By Mr. Mallette)

Q What is your name? A. Ellis Ratcliffe.
Q How old are you? A. I don't know my age; I guess I am about 56 years old.
Q Well what relation is the applicant to you? A. She is my mother.
Q Is she capable of remembering dates and giving testimony? A. No sir, she has about lost her memory.
Q Now, do you know whether she is on the Kern Clifton roll or not? A. Yes sir.
Q Were you put on it? A. Yes sir.
Q Did you draw your money? A. Yes sir.
Q Did she? A. No, sir.
Q How did it happen? A. I don't know; there was a claim put in against it and stopped it.
Q Did some one else draw it? A. Yes sir; we went in at Claremore both of us; they asked me in the settlement if my mother was on the ground and I told them they was and my mother went up after I did.
Q Were you there when she tried to draw the money? A. Yes sir, I was out to Lightning, they gave one of these horns there.

By Com'r Needles:

Q Had some one else drawn the money when she went to get the money? A Yes sir; I drew mine my own and when I went down to Tahlequah to her I went to draw hers someone else drew it.

Q Some one of the same name? A Yes sir.

(By Mr. Mellette)

Q Do you know who it was drew it? A I dont know, I think they claimed some lawyer there at Tahlequah; I think Nelise was the administrator, claimed ~~old lady yoster~~ to be the administrator of old lady Yoster.

Q Was the old lady Yoster alive? A She had died before the taking of the census.

Q Before they made the Kern Clifton roll? A Yes sir.

Q Do you understand the administrator of that woman got in and drew it?

A Yes sir.

(By Mr. Davenport)

Q How old are you? A I dont know, Mr. Davenport, I guess I am about 36 or 7.

Q You are not on the 1880 roll are you? A No sir.

Q You were with your mother at that time? A I was railroading in 1880.

Q How old were you in 1880? A Oh I was old enough to railroad.

Q Well, about how old; you said 36 you were about 16 years old then in 1880? A (No response)

Q Now you didn't try to enroll in 1880? A No sir.

Q So then your mother enrolled, you dont know whether she applied to be enrolled in 1880 or not did you? A I dont know; mother wasn't there, she left there, she wasn't there; I suppose she must have enrolled.

Q Did you and your mother enroll together on the Kern Clifton roll? A Yes sir, we went in there together on the Kern Clifton.

The Kern Clifton roll of freedmen of the Cherokee Nation examined and the name of Eliza Ratcliffe, 76 years of age, marked dead, found on page 31, #785, On page 177, #4443, is found the name of Eliza Ratcliffe.

(By Mr. Mellette)

Q You had your children enrolled at the same time you were? A Yes sir.

Q On the Kern Clifton? A Kern Clifton.

(By Mr. Davenport) And your mother also? A Yes sir.

(By Mr. Needles) Did your mother have any minor children at that time? A She never had any children but me as I know of.

NELSON LOWREY, being called as a witness by Commissioner T. B. Needles, and being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Nelson Lowrey.

Q How old are you? A 40.

Q What is your post office address? A Yes sir.

Q Did you ever know a woman by the name of Eliza Yoster? A No sir.

Q Never did? A No sir.

Q Did you ever know a woman by the name of Eliza Ratcliffe? A Yes sir, her English name was Eliza Ratcliffe.

Q You know a woman called Yoster Ratcliffe? A Yes sir, better known as Eliza Ratcliffe.

Q Who was the administrator of her estate? A I was.

Q Well, did you draw money on the Kern Clifton payment for one Eliza Ratcliffe? A Yes sir.

Q Do you know that the Eliza Ratcliffe that you drew the Kern Clifton money for was the Eliza Ratcliffe or Yoster Ratcliffe? A Yes sir.

Q How did you know it? A Well because I have known Eliza Ratcliffe or Yoster Ratcliffe ever since I was a little boy.

Q Did you ever know of any ~~woman~~ other woman by the name of Eliza Ratcliffe? A No sir.

Q Do you know this woman that was on the stand? A Yes sir.

Q Well, you know ~~whether~~ Eliza Ratcliffe? A She was not known by that name; I knew her by the name of Ann Kidd.

Q Where did you know her? A I saw her in Tahlequah four or five years before the Kern Clifton roll was made.

Q Is the name of Eliza Ratcliffe for whom you were administrator on the roll of 1880? A Yes sir.

Q Do you know of your own personal knowledge that that is the Eliza

Q. What did you see? A. I saw a man, a white man, and a Cherokee man. Q. Who was that? A. John H. Sanders; he died a little while before the argument was made; there was a Cherokee fellow by the name of Joe Smith who was to administer in her estate and he would not talk English very well, but the Judge told me I had better administer on the estate and give it over to the Cherokee. Q. What did you see in the letters of administration? A. I have got it at home.

Q Have you got the letters of administration? A I have got it at home
Q Have you got the papers? A Eliza Ratcliffe. Yes sir, we had a

Q Does the name of Eliza Foster appear there? A No sir, we had a great deal of trouble about it and I went to the Judge and I told him I wanted to be released and he says I will stand between you and all packages.

Q. You say you knew this Eliza Ratcliffe several years before the Kern Clifton was made was the one you called Ann Kidd? A. Yes, sir.
Q. No you know she was enrolled on the Kern Clifton with as Eliza Ratcliffe? A. No, sir, I didn't know whether she was enrolled at all or not.
Q. Did you hear it when you drew this money? A. Yes, sir I had a lawyer draw it, John T. Parks, and I had him to put in a protest.
Q. Did you know of it? A. She drew another old lady's money.

Q. And you heard of John T. Parks, and I had him to put in a photo?
A. Yes, John T. Parks, and I had him to put in a photo.
Q. What you heard of it? A. She drew another old lady's money.
Q. What you heard of it? A. She drew another old lady's money.
Q. What you heard of it? A. She drew another old lady's money.

Q Whose? A. Some Ann Katchliffes, I think of Lightning Creek.
That is, I was that of yours if she drew some money or some one
else? A. I thought she might draw this money.
You said.

Q. You heard it then? . Yes sir.
Q. You heard it then? . Yes sir.

Q. You did hear it then? A. Yes sir.
Q. You knew this woman claimed this money? A. Yes sir.
Q. You knew this woman claimed to have been the one to hand you get it? A. ~~Yes sir~~

Q. Did you know this woman claimed this money was for her? A. Yes ~~xxxx~~ No.

Q. Did you say you were employed by him? A. Yes, sir.

Q. To work out the tangle that was about it? A. Yes.

Q. To work out the tangle that was about it? A. Yes.
Q. Was this old lady here, Eliza Ratcliffe's, present when you drew this money? A. No sir, I don't know whether she was or not.
Q. Do you know whether she had been there or not? A. No sir.

Q. Now, you know whether she had been there or not? A. No sir.

(Sgt. Mellett)

How what did you do with that money? I could not tell just what I
did with it; I paid some to this fellow Smith or Carlisle, I could
not tell exactly without my receipts.

Q Was any heirs of that woman? A Yes sir; there was a young fellow that I lined her as his grandmother.

Q. What was his name? A. York Eastman.

Q Did you have any settlement in the Territory of Oregon? A. Yes sir.

By coming to (les) were you employed administrator by the United States on t? A. By the United States.

point of United States
(by Mr. Bellette)

Q Who did you pay that money to? A Only two men I can remember now is Joe Smith and Carlile. on those fellows? A I paid Smith \$100.00 and Carlile

Q Now which did you pay those fellows? A I paid Smith \$100.00 and Carlile about ten or twelve dollars for a coffee.

Q You said there was an Ann Ratcliffe there at the time the play was going on? A I said Ann Ann Kidd.

Q Who was the lawyer? A. Jeff Parks.

Q I want to know what you said about that woman, Ann Ratcliffe- you called this woman Ann, now you said you knew her by the name of Ann Kidd, who did you ever hear call her Ann Kidd? A. I heard myself call her that name. I don't know how many others.

Q Who else did you hear call her Ann Kidd? A Maybe several others.

Q Now, you name another one that you heard call her Ann Kidd? A Well, man by the name of Henry Hawkins.

Q Where is that? A. At Fort Gibson.

Q Now some one else? A. His wife.

Q Now some one else? A. His wife.
Q Who is Henry Hawkins? A. John Wilson's liver stable man.
Q What is he doing now? A. Yes sir.

Q Who is Henry Hawkins? A. John Wilson.
Q You heard him call her Ann Kidd? A. Yes sir.
Q Did you hear him call her Ann Kidd? A. Sh

Q You never heard her called Eliza Kidd? A. She always called by the name of Aunt Ann.

Q What woman did you have up there when you drew that money? A. Never had any woman up there.

Q You didn't take this woman that pretended to be Ann Ratcliffe with you?
A No sir.

Q What did you employ a lawyer for, to help you get the money? A. Be-
cause I thought I might need a lawyer.

Q You were afraid this woman would get it? A. No sir.

Q Now when did this woman that you claim here as Ann Ratcliffe, when did

and told her that you should see as All rated in the
the first A. Sometime in '96, right after the Farmington earthquake in
1896.

1896.
Q Do you agree to that? A. Yes, sir; she lived 12 miles from me, and I
know what he told me.

Q Did you know or have contact with? A. Yes sir.

Q How did you happen to be administrator? A Because that Cherokee fellow
one in there and he could not talk English very well and I happened to
be down in the Judge's office and he.

Q Now how much money did you have? A Two hundred and some odd dollars.

Q. Now how much money did you have? A. Two hundred dollars. Q. Well, now who did you give the hundred dollars, to; you say you gave about a hundred dollars to one man? A. Cherokee man, his name is Joe Smith; I don't know his Cherokee ~~name~~ name.

Q Where is Joe Smith? A. He is in Tahlequah district.

Q. Was he any relation to her? A. No sir; he was a full blood Indian allied with this woman.

"She can't live with Mary A. Ye sir."

Q. Did you know she did? A. I saw her at his house.

Q. And you paid him that money? A. Yes sir.

Q. And you paid him that money? A. I did not.
Q. Did you happen to pay him the money? A. Because he was to present
his account.

Q And you said it? A. No, he sworn to it before the Judge.

Q And you said that A. No, he sworn to it before the judge.
Q What did you do with the other money? A. I paid it out to other
fellows.

Q What other fellows did you pay that money to? A. I paid to Danville.

Q Where does he live? Tahlequah on Caney.

Q Is he living? A. Yes sir.

Q How much did you pay to him? A. Ten or twelve dollars.

Q Now that is ten dollars, now who else did you pay to? A I can't tell you without a minute.

Q You didn't pay out any more of it did you? A. Yes sir, I have got receipts for it.

Q Now, give the names of some others? A. I can't remember it.

Q Now, give the names of some others? A. I can't remember them.
Q Did you pay it to the heirs of the deceased woman? A. She had no heirs except this grand son and I told you the Judge notified him two or three times to come there and prove he was an heir of this Eliza Batcliffe and he never done it. This was some up for taking

Q. Well, now, she didn't owe any tests? A. This man come up for taking care of her.

Q You said that you paid him about a hundred dollars and that paid him off; if she didn't owe for her doctor bills and funeral expenses; who did you pay the other now? A. I don't know, I don't remember any others.

Q Well now let's leave the doctor bills out of it ; now who did you pay for funeral expenses? A I paid Carlile for the coffin .

Q. Well, now, who did you pay anybody else? A. I don't know.

Q Tell, now, who did you pay anybody?
A She didn't owe anything? A No sir.

Q. Who then did you pay that money to? A. I told you I paid it to different people; I can't tell you without receipts.

Q Well, now she didn't owe anything and you paid the funeral expenses and paid Smith \$100? A I can't remember any more without the receipts.

Q Well now there is about a hundred and twenty-five or thirty dollars who did you give that? A I can't remember.

Q Well, now, where does this Joe Smith live? A. He lives in Tahlequah district.

Q Do you swear that he is no relation of this woman, Eliza Batoliffe?
I told you he was a full blood Indian.

Q Did you ever see him at his house? A. Yes sir.

Q What were you doing there? A. I was working cattle with Henry Woods.

Q What were you doing there? A. I was working cattle sir.
C What year were you over there, before that? A Yes sir.

Q Well, Lowery, you cant account for anything about that money? A Yes sir, if you go and look at the records, that is the place to go to see after it.

Q And you swear now that you cant tell what you did with any more of that money except what you paid to Joe Smith and this other man that you paid ten dollars for a coffin? A I told you I has receipts there to account for it.

Q Well, now, she didn't owe anything? A She could not owe anything, she was dead.

Q If we let it go, you don't know anything about it; is that no harm; would you pay it for it? A I don't know; I don't know the name of it; I don't know of it.

Q Didn't you join into a scheme to get this money and divide it up? A No sir.

Q How long ago was that been, Lawrence? A 197 I believe somewhere around there.

(By Court - Wicher Needles)
Q Did you know this Eliza Ratcliffe before she died for whom you were administrator? A Yes sir.

Q Was she a Cherokee or a colored woman? A, She was a colored woman, lived and raised with the Cherokees.

Q When did she die? A She died some time in 1896, right after the enrollment.

Q After the Kern Clifton enrollment she died? A Yes sir.

Q Are you sure of that? A Yes sir, because there was a fellow by the name of John M. Sanders I am going by what the Judge said.

Q Judge who? A George Robinson.

Q Was Judge Robinson taking the census? A No sir, I went up there with Sanders as a witness.

Q Did he tell you that Sanders had enrolled this woman in 1896? A Yes sir.

Q Enrolled her as Eliza Ratcliffe? A Yes sir.

Q You never heard her called Yoster at all; that was her Indian name was it? A Yes sir.

(By Mr. Mellette)
Q You don't know when she died, this old woman, Eliza Ratcliffe? A No sir.

Q Don't you know that she died before the Kern Clifton enrollment? A No sir.

Q You don't know that she died? A The papers will show.

(By Court - Needles)

Q You don't know that she was enrolled in 1896? A Only what the Judge told me.

Q Judge who? A Robinson.

Q How did he happen to tell you she was enrolled? A He was up there; that Indian was up there when we administered on her estate.

Q He was saying she was enrolled in 1896? A Yes sir, he got John M. Sanders to enroll her.

Q Did she live with this Indian? A Yes sir; she lived with Joe Smith.

Q Now, she lived with Joe Smith? A Yes sir.

Q And Smith was the man you paid the hundred dollars to? A Yes sir.

Q That Joe Smith was active in having her enrolled in 1896 on the Kern Clifton roll? A Not, Smith, John M. Sanders.

Q What did he have to do with it? A He came to enroll for this full blood Indian.

Q You were not appointed administratory until after 1896? A No sir.

Q Sanders was tending to having her enrolled, not Joe Smith? A Yes sir, he was a full blood Indian and lived with the Indians around there.

Q Was this Eliza Ratcliffe for whom you were administrator a slave? A Not to my personal knowledge, I have heard she was.

Q Whom did you hear she belonged to? A Some Ratcliffs that lived in twelve miles or so of the old lady a long time.

Q Does anybody know who she lived with in 1880? A No sir, I don't.

Q Was she ever married? A I don't know whether she was married or not.

Q Don't know about that? A, No sir.

(By Mr. Smith, of Counsel for applicant -)

Q When you spoke a while ago in your testimony about John Sanders or Judge Sanders having this Eliza Ratcliffe or Yoster enrolled, did you have reference to the 1880 roll or 1896 roll? A I don't know which roll it was; the Judge told me that John M. Sanders enrolled her, I don't know which roll he put her on.

EASTER WILLIAMS, witness, recalled (By Court's Needles)

Q Did you ever know anything about Redbird McCarty? A. Know a Redbird up in Flint.

Q Do you know whether he was McCarty or not? A. No sir.

Q Did this Eliza ever live with this Redbird that you know of? A. She lived with Sanders.

Q But did she ever live with this Redbird that you know? A No sir.

Q Now, when you saw him by the name of Redbird McCarty? A Yes sir.
 Q He was an Indian, was he? A Yes sir.
 Q Do you know whether this Eliza Rateliff was ever adminis-
 trator ever lived with Redbird McCarty? A Yes sir.
 Q When did she live with him? A Yes sir, it was in the spring I believe
 of 1896, there was a lot of us went up to Ferguson's and she was there
 with Redbird McCarty.
 Q That was in 1896? A Yes sir.
 Q Do you know how long she had lived with Redbird McCarty? A No sir.
 Q You don't know whether she had lived with Redbird McCarty twenty years
 or not? A No sir, sometimes I would see her on the river and sometimes
 with the Indians.

EASTER WILLIAMS, recalled (By Mr. Mellette)
 Q Where did Redbird McCarty live? A I didn't know his name, but Redbird
 McCarty, I knew he was called Redbird. My niece here carried a horn,
 they was given horns when they were paying this ~~money~~ \$15.00 and she
 carried her horn.
 Q What were the horns to identify them? A Yes sir.
 Q It would be given for them to draw their money by like a ticket?
 A Yes sir, and so he drew the money on false pretenses.

The 1880 authenticated roll of Cherokee freedmen examined and
 on page 802 #1963, Tahlequah district, appears the name of Eliza
 Rateliff, colored, 60 years of age, with this note: "
 Lives with Redbird McCarty" and marked "dead".

The Kern Clifton roll of freedmen of the Cherokee Nation examined
 and on page 31, #85, Tahlequah district, appears the name of
 Eliza Rateliff, 76 years of age, marked "dead" (Mark "dead"
 was on the rolls when come in the possession of this Commission)

COLUMBUS LASLEY, being sworn and examined by Commissioner T. B. Needles,
 testified as follows:

Q What is your name? A. Columbus Lasley.
 Q What is your post office? A. Tahlequah.
 Q What district do you live in? A. Tahlequah district.
 (By Davenport)
 Q Are you a freedman of the Cherokee Nation, Columbus? A. Yes sir.
 Q How long have you lived in the Cherokee Nation - Tahlequah district?
 A I have lived in Tahlequah district I expect near 30 years.
 Q Have you ever been up on Caney and around in that country there in
 Tahlequah district? A. Yes sir.
 Q Did you ever know a man by the name of Redbird McCarty that lived in
 that district? A. No sir.
 Q Never knew him? A. No sir.
 Q Did you ever know a woman by the name of Eliza Rateliff in that district?
 A Yes sir I knowed a woman.
 Q About how old was she? A. She was an old lady.
 Q Do you know whether she is living or dead? A. She is dead.
 (By Mr. Mellette)
 Q When did she die? A. She died since this enrollment, the Kern Clifton
 enrollment.
 Q You were one of the bondsmen for Lowrey when he was appointed adminis-
 trator of that estate weren't you? A. I don't know, I have went so may
 bonds I don't remember how many bonds I have went on.
 Q Isn't it a fact you were a bondsman of Lowrey? A. I don't know, I might
 have been.
 Q Did you ever get any of it? A. No, sir, I didn't have any business
 with any of it.
 (By Com'r Needles)
 Q You say she is dead? A. Yes sir.
 Q When did she die? A. She died since this Kern and Clifton enrollment.
 Q Where did she die? A. Up on Caney.
 Q Were you at her funeral? A No sir.
 Q Did you know exactly when she died? A. No sir.
 Q How long after 1896 did she die? A. I don't know how long.

Q Did you ever see her since 1896? A I heard she died.
Q Did you ever think she died since 1896? A I heard she died.
Q Did you ever see her in 1894? A I don't know whether she was or not.
(By Mr. Mellette)

Q When did you first hear that that Eliza Ratcliffe was dead? A I said
since the Kern Clifton Commission
Q Why was it that you think it was; begin to say the first each out of the box
that it was after the Kern Clifton enrollment? A I heard it was after
that.

Q When did you see her before that? A Five or six years before that.
Q You hadn't seen her for five or six years, how do you know when she
died? A Only by hearing she died.
Q How far all she lived on you? A She lived 12 or 15 miles.
Q You don't know when she died? A No, I said I heard she
died, I didn't see her die.

The White roll of freedmen of the Cherokee Nation examined
in 1884, 1884, Tahlequah District, appears the name of
Eliza Ratcliffe, with this note: Died about May 3, 1894 "

ELIZA RATCLIFFE, the applicant recalled- (By Court Needles)
Q Did you ever live with Redbird McCarty? A No sir, I did not.
Q Did you ever know Redbird McCarty? A No sir.

NEASON LOWERY, recalled (By Mr. Mellette)
Q You say this Eliza Ratcliffe you saw lived with full blood Indians
A Yes sir.

Q She was a colored person? A Yes sir.
(By Court Needles)
Q Was her father a Cherokee? A I don't know.
Q Don't know who her mother was? A No sir.

(By Mr. Mellette)
Q Now a little further about this Redbird McCarty, where did he live? A
I told you he lived over on Emey in Tahlequah District.
Q Was he a recognized Cherokee? A Yes sir.
Q Did he have any other name? A Yes sir.

Q Where did he live designating the place a little more distinctly?
A On Emey in Tahlequah District, his post office would be Wauhatchie.
Q When did you see this woman at his house, how many years ago? A Some-
where about in 1896.

Q You are certain of that? A Yes sir.
Q You saw this woman there and you saw the Redbird in 1896? A Oh I saw
him since that, I saw him when I was settling up with him.

(By Court Needles)
Q Do you know whether Redbird McCarty is alive or not? A I haven't seen
him for two or three years.

Q Was he alive in 1894? A Yes sir.
Q Don't know whether he drew his money in 1894 or not do you? A No sir

(By Mr. Mellette) Q You said she lived with a man by the name of
Joe Smith? A No I said Redbird McCarty.

Q Didn't you say you paid Joe Smith for taking care of her? A No, I
said I paid Redbird McCarty.

Q You said you paid Joe Smith a hundred dollars? A I might have been
mistaken.

Q Don't you know you said that? A (No response)

Q Can't you remember that you said you paid Joe Smith and you said now
that you hadn't seen Redbird McCarty since you were settling up with
him? A I can't remember very well, more than I have got a record over
at Tahlequah to show for itself.

Q You would not have been at both houses, Joe Smith and Redbird McCarty
but the reason you said you saw her at Redbird McCarty is because there
is a note on that 1880 roll, isn't that it? A No sir.

Q You didn't pay Joe Smith anything? A (No response)

Q Swear now, say you paid Joe Smith anything or not? A (No response)

Q Let's have it now, whether you paid Joe Smith anything or not? A I
paid some full blood Indian.

Q But you don't know who it was? A He was the man I spoke of a while

(By Mr. Needles) - Yes.
You know he didn't tell you? A. Yes, sir.
And you were in that country? A. Yes, sir.
On how long? A. Yes, sir.
Was it in the month? A. No, sir.
(By Mr. Needles) Did you see either one of them? A. I paid one
of them.

(By Mr. Needles)
How much did you pay the lawyer? A. I never paid him anything.
The lawyer looked for nothing? A. No, sir.
(By Mr. Needles) Didn't he make a trip up there? A. He did, and
collaborated together and he collected.
What was that lawyer's name? A. Jeff Parks.
He never charged you anything? A. No, sir!

Com'r Needles: Eliza Ratcliffe applies for the enrollment of herself.
She avers that she was a slave of one Dick Ratcliffe a Cherokee
citizen. She avers that she returned to the Cherokee Nation in
1866. She presents testimony to that effect. She states that she
lives in the Cherokee Nation until after the cholera and about
the time the cholera was raging at Fort Gibson she went out. It
appears from the testimony that the cholera near Fort Gibson was
in 1877. It is evident that her recollection upon these
matters is imperfect, but sufficient proof is made that she
was a citizen of the Cherokee Nation in the year 1866, and was a
resident here. Upon examination of the roll of 1880 it is found
that one Eliza Ratcliffe is enrolled according to the page and
the number of the roll is indicated in the testimony, and is mark-
ed dead; the mark "dead" was placed opposite her name upon the
roll of 1880 by this Commission upon information given by one
Nelson Lowery, who avers that he was the administrator of the es-
tate of one Eliza Ratcliffe and that she was dead. The name of
Eliza Ratcliffe is also found upon the Kern Clifton roll as the
word "dead" is opposite her name; that being the condition when
the roll was received by the Commission. The mark "dead" having
been placed opposite her name by the Cherokee authorities it is
presumed, and it was doubtless done before said roll was in the
office of this Commission. It is claimed and testimony to that
effect is given by Nelson Lowery that the Eliza Ratcliffe whose
name appears upon the authenticated roll of 1880 and upon the
Kern Clifton roll is the Eliza Ratcliffe for whom he was admin-
istrator and whom he knows to be deceased. It is claimed on the
other hand that the deceased person for whom said Nelson Lowery
was administrator was one Eliza Yoster or Yoster Ratcliffe, whose
name is not found upon the authenticated roll of 1880, and that
the funds due Eliza Ratcliffe by the enrollment on the Kern Clifton
roll was unlawfully drawn by the said administrator, and that
for some cause the Eliza Yoster for whom the said Nelson Lowery
was administrator named, never was upon the Kern Clifton roll,
nor upon the authenticated roll of 1880. The evidence in the
case is conflicting and reference is made to the testimony. The
applicant claims citizenship both by the fact that she was a
slave and was in the Cherokee Nation in 1866 and resided here
ever since, and also from the fact that she is enrolled upon the
roll of 1880 and should be listed for enrollment for that reason.
The said Eliza Ratcliffe will now be listed for enrollment as a
Cherokee Freedman upon a doubtful card, awaiting further con-
sideration on the Commission. She will be notified of the action
of the Commission by mail when the same is consummated.

* * * * *

J. C. Fosson, being first duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that
the foregoing is a true and complete transcript of his stenographi-
cal notes thereof.

RECEIVED
AUG 28 1901
COMMERCIAL TO THE LIVE CLIFFS JUNGLE
DEPARTMENT OF THE INTERIOR

(signed) J. O. ROSSON.

Subscribed and sworn to me this 27th day of June, 1901.

(signed) T B. Needles,
Commissioner.

I, Chas. von Weise, being sworn, state upon my oath that the
above is a true copy of the original

Chas. von Weise

Subscribed and sworn to before me this 28d of August, 1901.

[Signature]

Commissioner.

[Faint, mostly illegible text covering the upper and middle portions of the page, possibly a letter or report.]

FOR THE PRESIDENT
JUN 10 1901

[Handwritten signature or initials]
ASTOR, LENOX & TILDEN

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 15,th 1901.

Me Lette & Smith attorneys for the applicant

James Davenport attorney for the Cherokee Nation-

In the matter of the application of Ellis Ratcliff for the enrollment of ~~him~~ himself and three children as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Ellis Ratcliff.
Q Do you know how old you are? A. 37 years old.
Q What is your postoffice address? A. Coffeyville.
Q In what district do you live? A. Cooweescoowee.
Q Who do you want to have enrolled besides your self? A. Three children.
Q Do you apply as a Cherokee freedman? A. Yes sir.
Q What are the names of your children? A. Irving.
Q How old is he? A. 15.
Q Next one? A. Oscar.
Q How old is he? A. 18.
Q Next one? A. Nathan.
Q How old is he? A. 20.
Q Are you married? A. Yes sir.
Q What is your wife's name? A. Mollie.
Q Is she a citizen? A. No sir.
Q She is what is known as a state woman? A. Yes sir.
Q Is she the mother of all these children? A. No sir.
Q Is she the mother of any of them? A. Of Oscar.
Q Who is the mother of Irving? His mother is dead.
Q Well what was her name? A. Ann Salsberry.
Q Were you married to her? A. No sir.
Q Was she a Cherokee freedman? A. No sir.
Q Was she a state woman? A. Yes sir.
Q Who was the mother of Oscar? A. Mollie.
Q She is the mother of Oscar and Irving then? A. Yes sir.
Q Have you ever been married since? A. Yes sir, only to Molly.
Q What was your wife's maiden name? A. Molly Brady.
Q Have you any proof of your marriage? A. No sir.
Q Where were you married? A. In Van Buren, Arkansas.
Q According to the laws of Arkansas? A. Yes sir.

By Mellette-

Q Are you a son of the Elisa Ratcliff who enrolled here yesterday?
A Yes sir.
Q Are you on the Kern Clifton roll? A. Yes sir.

Kern Clifton roll, Page 177 No. 4343, Ellis Ratcliff, Tahlequah district.
Page 177 No. 4346, Irving Ratcliff, Tahlequah district.
Page 177 No. 4344, Oscar Ratcliff, Tahlequah district.
Page 177 No. 4345, Nathan Ratcliff, Tahlequah district.

By Davenport-

Q Where were you born? A. On Cane they say.
Q In what country? A. Cherokee Nation.
Q Where were you living when you first remember? A. The first I remember I was with my mother, she was seeking for a man named Brady

in Van Buren.

Q Are you sometimes called "KID"? A Yes sir.

Q You lived in Van Buren a number of years? A. Yes sir I switched in the railroad yards there.

Q You lived there in 1894? A. Yes sir.

Q From the time you can remember up to the time you left there you had lived there? A. Yes sir.

Q You lived in Fayetteville, Arkansas? A. No sir I never lived there in my life.

Q You worked on the Monett Division didn't you? A. No sir.

Q When did you move to the Territory? A. I came up here during the payment of the Cherokees.

Q In '94? A. Yes sir.

Q That was the first time you had lived in the Cherokee Nation since you can remember? A. The first time I had my family here.

Q These children, where were they born? A. In Van Buren.

Q You only have one child of your legal marriage haven't you? A —

By applicant to the Commissioner:

I remember now I was married to Lydia

Berry and Irving is the child of that marriage.

By Davenport—

Q Where were you married to the mother of Irving? A. To both of them in Van Buren.

Q You live now where? A. In Cooweescoowee district.

Q How far from Coffeyville? A. 7 miles, southwest.

Q Near what place? A. Near the John Len Brown place, between there and the State line.

Q How long have you lived there? A. A year and a half.

Q You went from Van Buren to that place? A. No sir, went from Delaware district up there.

Q You kept house in Coffeyville last fall didn't you? A. Yes sir.

By the Commission;

Q You were never legally married to Ann Salsberry? A. No sir.

Q Never lived with her as man and wife? A. No sir.

EASTER WILLIAMS, called and sworn as a witness for the applicant—

By Mr. Hellette—

Q What is your name? A. Easter Williams.

Q Formerly known as Grimmett? A. Yes sir.

Q What is your age? A. About 50.

Q Are you a recognized freedman citizen of the Cherokee Nation and on the 1880 authenticated roll? A. Yes sir.

Q Are you the Easter Williams who testified in the case of Eliza Ratcliff yesterday? A. Yes sir.

Q Do you know this applicant? A. It is her son.

Q In the testimony yesterday, you said something of Eliza Ratcliff going to Neosho Missouri during the war and then coming back to

Fort Gibson, where was this applicant then? A. He was a baby at that time.

Q Was he with his mother? A. Yes sir.

Q At Fort Gibson? A. Yes sir.

2

3

By Davenport.

Q You dont know where this boy was born? A. No sir.

Q You know remember seeing him at Cain Hill with the Kids? A. No sir

By Com'r Needles,-

Ellis Ratoliff applies for himself and three children, Irving, Oscar and Nathan. He is not identified on the 1880 roll or the census roll of 1896, but he is identified on the Kern Clifton roll. He avers that he married in Arkansas, to one Lydia Berry.

Q You married Mollie after you married Lydia? A. Yes sir.

Q Did Mollie have any children before you married her? A. Yes sir but it was mine.

Q After the child was born you married her? A. Yes sir.

He avers that he was first married to one Lydia Berry by whom he had one child Irving, and the said Irving is identified on the Kern Clifton roll.

Q Was Lydia Berry dead when you married Mollie? A. Yes sir.

He avers that he afterwards married one Mollie Brady by whom he had one child, Oscar, and the said Oscar is identified on the Kern Clifton roll. He avers that he had one child, Nathan, by one Ann Salsberry to whom he was never married. He avers that he himself is the son of Eliza Ratoliff, who has been listed for enrollment as a Cherokee Freedman on D. card # 725 and the testimony taken in said case is hereby referred to and a copy thereof will be filed herewith and made a part of the record of the application at bar. Attention is called to the fact that ~~before~~ before he married Mollie Brady, his second wife, his child Oscar, 18 years of age, was born, but he avers that he was his child. The said Ellis Ratoliff will now be listed for enrollment as a Cherokee freedman on a doubtful card and reference is hereby made to the testimony taken in the application of his mother as above stated. His two children, Irving and Oscar will be listed as Cherokee freedman on a doubtful card, but in this connection it will be necessary for him to file with this Commission satisfactory proof of his marriage to both his first wife, Lydia Berry and to his second wife Mollie Brady. If said certificates are filed the citizenship of his son Oscar depends upon the construction of the law as to whether marriage of the applicant with the mother of said child after its birth makes it legitimate. The child Nathan will be rejected because it was born out of lawful wedlock, no marriage having been performed at all, and its mother being a state woman. The applicant will be notified by mail of the decision of the Commission.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized tribes, he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 24th day of June, 1901 at
Newata, I. T.

Chas. von Weise
Commissioner.

To be filed in the case of Ellis Rateliff, C. W. D. 730.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 18th 1901.

In the matter of the application of Melvina Farris for the enrollment of her self and four children as Cherokee freedmen; said Farris being sworn to and examined by Commissioner T. B. Neelias, testified as follows:

- Q What is your name? A. Melvina Farris.
Q How old are you? A. I dont know exactly how old I is.
Q Well, about how old? A. I guess I am about 46 or 7.
Q What is your post office? A. Lenapah.
Q What district do you live in? A. Cooweescoowee District.
Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to enroll besides yourself? A. My children.
Q How many? A. Nine.
Q Are you married? A. Yes sir.
Q What is your husband's name? A. William Farris.
Q Is your name on the roll of 1880? A. It ought to be on there.
Q What is your father's name? Q. Andy Frye.
Q What is your mother's name? A. Sophia Ross.
Q Is your father living? A. Yes sir.
Q Is your mother living? A. No sir, she is dead.
Q Now, give me the names of your children under 21 years of age, commencing with the oldest? A. Solomon.
Q How old is he? A. 25; he is not right bright; he cant tell me his own age.
Q Now, give me the names of the children that are under 21 and not married? A. Elijah.
Q How old is Elijah? A. 18.
Q The next one? A. Mattie, 15; Lula, 13, Leroy, 10.
Q Next one? A. Luther, seven, Watt is four.
Q Is that all? A. Yes sir.
Q Is your husband living? A. Yes sir.
Q Where is he? A He is on the ground here.
Q You dont apply for him? A No sir.
Q Are you and he living together? A. Yes sir.
Q Were you ever married before? A. No sir.
Q Your maiden name was Ross? A. Frye, my mother never was enrolled; my father was enrolled.
Q Did you draw what is known as strip money? A No sir, my name was misplaced.
Q Did you ever draw any money? A. Yes sir drew on the Wallace roll.
Q Did you draw for any of these children? A. Drawed for the three oldest one.

The 1880 authenticated, the 1896 census and Kern Clifton rolls of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Wallace roll of freedmen of the Cherokee Nation examined and name of applicant found thereon, page 185, #3380, Viney Ross no district given.

- Q You never drew for these younger children did you? A. (No response)
Q Have you any witnesses? A. Yes sir.
Q Who are they? A. Jim Alberty and Allen Lynch.
Q Where were you born? A. I was born in the Territory.
Q Cherokee Nation? A. Yes sir.
Q Lived there all your life? A. Yes sir.
Q What is your father's name? A. Andy Frye.
Q Is he a Cherokee freedman? A. Yes sir.
Q Name on the roll of 1880? A Yes sir.
Q What is your mother's name? A. Sophia Ross.
Q Is her name on the roll of 1880? A. No sir.
Q Was she a slave? A. Yes sir.
Q To whom did she belong? A. Susie Ross and Oliver Ross.
Q Is she living? A. No sir, she is dead.

Q Was Sisie Ross and Oliver Ross Cherokees? A Yes sir.
 Q You were a born slave yourself? A. Yes sir.
 Q Were you taken out of the Cherokee Nation during the war? A. Yes sir
 Q Where to? A. Up North.
 Q Your mother with you? A. Yes sir.
 Q What part of the North? A. Kansas.
 Q Well, when did you return from Kansas? A In '66.
 Q Who did you return with? A. Uncle Jess Brown brought me down.
 Q How long did your mother live after that? A. I dont know exactly how long she lived.
 Q Where did you come to? A. Uncle Jess Brown brought me, I was at his house.
 Q Is he living? A. No sir, he is dead.
 Q Was your mother dead before 1880, 30 years ago? A. She died right away after the war.
 Q Who raised you yourself? A. I staid around with me brothers.
 Q Who were your brothers? A. George Ross and Jonas Ragsdale.
 Q Are they living? A. Yes sir.
 Q Are their names on the roll of 1880? A. Yes sir.
 Q Why isn't your name there? A. I dont know.
 Q Your brother you say was Jonas Ragsdale? A. Yes sir.
 Q And who else? A. George Ross.
 Q Are they older or younger than you? A. They are younger.
 Q You have always lived in the Cherokee Nation? A. Yes sir.
 Q How many times have you been married? A. Once.
 Q To William Farris, is he living? A. Yes sir.
 Q Is he the father of all these children? A. Yes sir.
 Q Are these children all living at this time? A. Yes sir.
 Q Is your husband a citizen? A. Adopted citizen.
 Q He is known as a State man? A. Yes sir.
 BY W. W. HASTINGS, CHEROKEE REPRESENTATIVE-
 Q Where did Jess Brown live when you come down? A. I dont know, sir. I was too small to remember it, I know Uncle Jess brought me down.
 Q Was uncle Jess living down in this country? A I dont know sir, where he was living.
 Q Well, if you were too small to remember where he was living, wasn't you a little too small to know the date? A. I always know I was brought down in '66 because I just lived around with my brothers, because I had no mother.
 Q Well, where did you live when you first come down here? A. I lived with my brother Jonas on Pryor creek.
 Q Well, where did you first see Jim Alberty? A I dont know sir, whereabouts the first I ever saw him.
 Q You dont remember that? A. No sir.
 Q Well, did you stay with Jess Brown a while after you came down here? A Yes sir.
 Q Well, you dont remember what part of the Cherokee Nation he was living in? A. No sir.
 Q About how many years after the war did your mother live? A. I dont know, how many, I was quite small when my mother died.
 Q Did she die in the Nation? A. No sir, she died in the Nation.
 Q And Jess Brown went up and brought you down? A. Yes sir.
 Q Did the rest of Jess Brown's family come with you? A. I dont know whether ~~that~~ it was his family or not.
 Q Do you remember what other folks come with him? A No sir.
 Q Is any of Jess Brown's folks living? A I dont know sir, whether there is or not.
 Q Well, you were about ten years old then wasn't you? A. Probably I was I dont recollect anything about slavery.
 Q I mean when you come down here? A. Probably I was about that old, I dont know.
 Q Well, who did you go the living with first when you come down here? A My brother Jonas.
 Q Did you go to keeping house? . No sir he was married.
 Q He was living down here when ~~your brother~~ Jess brought you down? A Yes sir.
 Q Jess brought you down and you found out where your brother was living?

A I staid with unale Jess and when I found out where my brother Jonas was I went to him.
 Q You didn't come back with your brother? A. My brother was already here.
 Q Well, you dont know about how long you staid with Jess Brown? A No sir I dont.
 Q Do you think you staid as much as a year? A. I dont know whether it was or not.
 Q Do you remember what time of the year it was Jess brought you down? A No sir.
 Q Dont know whether it was spring, summer or fall? A No sir.
 Q Do you know what time of the year it was you went to live with your brother Jonas? A Yes sir, it was in the fall when I went to live with him.
 Q You dont know how long you had been at Jess Brown's then? A. No sir.
 Q Jonas was living in Pryor creek you say? A. Yes sir.
 Q He was married then? A. Yes sir.
 Q Did he have any children at that time? A. He had two.
 Q What were their names? A Sophia and one was named Viney.
 Q That was when you went there? A. Yes sir.
 Q How much older was your brother than you? A. I dont know how much older or younger than I was.
 Q He was grown when the war broke out? A. Yes sir.
 Q Was Jonas married when the war broke out? A No sir.
 Q Do you know where he married? A No sir.
 Q Did he marry after he come back here? A. He must.
 Q He had two children when you went down there? A. Yes sir.

BY COM'R NEEDLES:

Q Was Andy Frye your father? A. My natural father, my step mother is here on the ground.
 Q Sophia Ross was your mother? A. Yes sir.
 Q Was Andy Frye and Sophia Ross married? A. They were living together as man and wife.
 Q Did they go to Kansas together? A. My mother went to Kansas, they didn't go together, she had the consumption.
 Q Your mother was a slave? A. Yes sir.
 Q And belonged to? A. Oliver Ross.
 Q By Mr Hastings— You were a slave yourself? A. Yes sir, but I was small

JIM ALBERTY; being sworn and examined by Commissioner T. B. Needles testified as follows:

Q What is your name? A. Jim Alberty.
 Q How old are you, Jim? A 70 years old.
 Q What is your post office? A Chouteau.
 Q You claim to be a Cherokee Freedman? A. Yes sir.
 Q Do you know the applicant here, Melvina Parris? A (No response)
 Q Do you know her by the name of Melvina Frye? A. Yes sir.
 Q How long have you known her? A. Well, I dont know, I have known her pretty near all her life.
 Q Was she ever married? A. When I saw her last she wasn't married.
 Q What was her father's name? A. Andy Frye.
 Q What was her mother's name? A. I forgot her mother's name.
 Q Well do you know whether Melvina was a slave? A. Yes sir, I think she was, I dont know whether she was born a slave or not; I knew her mother was.
 Q Sophia Ross? A. Yes sir, that is the name.
 Q To whom did Sophia belong? A. Oliver Ross.
 Q Well, was Sophia taken out of the Cherokee Nation during the war, do you know? A No sir, I dont know.
 Q When was the first time you saw Viney Ross after the war? A This girl.
 Q Yes? A When Jesse Brown came back from Kansas in '66 he brought her back I saw her there in that year.
 Q At Jesse Brown's house? A. Yes sir.
 Q By Mr. Hastings—
 Q Where was Jess Brown living? A. He was living at my house at that time when he first come back here, down on the river.
 Q Down on Grand river? A. Yes sir.
 Q Had Jesse Brown have a family? A. Yes sir, he had a wife and no children.
 Q How long did this girl stay down there? A I dont know when he left there he went away with her I never saw her any more.

- Q He took her away with him? A. Yes sir, took her up here to where he lived; he built out there on Gooseneck bend.
- Q And he went up there did he? A. Yes sir.
- Q How long did he stay down at your house? A. He staid there about a month.
- Q You ever saw this girl before the war yourself? A. No sir, not to know her.
- Q That was the first time you had ever seen her? A. Yes sir, that is, to know her.
- Q ~~What was the first~~ Did Jess Brown had any children of that woman? A. The woman he had?
- Q Yes? A. After he left there.
- Q Didn't have any then? A. No sir, had one soon after.
- Q But didn't have any at that time? A. No sir.
- Q Well, when did you ever see this woman again? A. I never saw her any more for several years after he moved up here to Gooseneck.
- Q Was she living there then with Jesse Brown? A. Yes, sir, Jesse had her then.
- Q Four or five years afterwards? A. Yes sir.
- Q Up here on Gooseneck? A. Yes sir, she was pretty near to grown woman then.
- Q Where do you say now Jess Brown went from your house? A. He went up towards Gooseneck Bend, that is where he went to.
- Q You dont know where he lived? A. Not until four or five years afterwards I was at his house up there.
- Q Are you the fellow that testified about meeting some man that was ferrying across the river between Muskogee and Fort Gibson in '60 when he went backwards and forwards to Muskogee to trade didn't you? A. Yes sir.
- Q And you testified in another case about driving some cattle, going 45 miles driving some cattle and back in the same day? A. I didn't say 45 miles I said from where Tom Knight lived.
- Q From what place? A. There on Rock creek.
- Q You have been a witness in a good many cases? A. Yes sir.
- Q You are not on the 1880 roll yourself? A. No sir.
- Q Your citizenship is contested? A. I dont know about that.
- Q You are on a doubtful card? A. Yes sir, of course I know that.
- Q Well, now, after you saw this girl living with Jess Brown four or five years afterwards, when did you next see her? A. Right here.
- Q And this is the third time you have seen her since the war? A. Yes sir.
- Q And you remember now Jess Brown coming to your house 35 years ago? Yes sir.
- Q Was her mother with her then? A. No sir.
- Q Wasn't anybody but Jess Brown and his wife and this girl? A. That is all I noticed.
- Q What was Jess Brown's wife's name? A. I dont know; dont recollect now, I knowed.
- Q How old was this girl when she came to your house there? A. I dont know, right part strip of a girl.
- Q About what age would she be the first time you saw her? About eight or ten years old.
- Q Did she have a brother or sister with her? A. No sir.
- Q You know that she was living up there four or five years afterwards with Jess Brown on Gooseneck bend? A. Yes sir.
- Q How far did you live from Jonas Ragsdale on Pryor creek? A. I dont know how far it was.
- Q About how far? A. Jonas lived pretty well.
- Q Were you over at his house? A. No sir.
- Q Do you know when he married? A. No sir, I dont know.
- By Con'r Needles-
- Q Did you know this girl's mother? A. Yes sir, I knowed her.
- Q Who did she live with? A. Oliver Ross.
- Q Was she ever married? A. I dont know whether she was married or not.
- Q Well did she ever live with a man as his wife? A. She had children, I dont know whether she was married or not.
- Q Do you know Andrew Frye? A. Yes sir.
- Q Well, did Andrew Frye and Sophia, the girl's mother, live together? A. I dont know.
- Q How old are you, Jim, yet? A. 70.

- Q You have been in this country a good while? A. Yes sir.
Q You have been in this country almost all your life? A. Yes sir.

ALLEN LYNCH, being sworn and examined by Commissioner T. C. Needles testified as follows:

- Q What is your name? A. Allen Lynch.
Q How old are you, Mr. Lynch? A. 61 years old.
Q What is your post office? A. Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q Do you know the applicant here, Vinoy Farris? A. Yes sir, I know her.
Q What was her mother's name? A. Sophia Ross.
Q Do you know her father? A. Yes sir.
Q What is his name? A. Andy Frye or Andy Clark used to be.
Q Did they live together as man and wife? A. I don't know whether they did or not, no sir.
Q Well, now, who did Sophia Ross, this girl's mother, belong to? A. She belonged to Oliver Ross.
Q Melvina belonged to Oliver also did she? A. Yes sir.
Q Well, was Sophia Ross and Melvina taken out of the Cherokee Nation during the war bet. the North and South? A. Yes sir.
Q Where to? A. Went to Kansas.
Q When did they return? A. I don't know that.
Q When was the first time you saw Vinoy here after the war? A. The first time I saw her was the time of the Wallace roll.
Q That was several years afterwards? A. Yes sir.
Q You don't know anything about when she returned and when Sophia her mother returned? A. No sir.
Q You saw her during the Wallace court? A. Yes sir.
Q You know her since that? A. Yes sir.

By Mr. Hastings-

- Q Did you see her mother then? A. No sir.
Q Did she say where her mother was at that time? A. Seems to me she said her mother was dead.
Q You don't know when she came back? A. No sir.
Q Where did Oliver Ross live? A. Well he lived right down on the low edge of what we call the Hardest prairie, right down below the Ompok Asylum, below Locust Grove.
Q Where did Andy Frye live? A. He lived right up on the branch about three quarters of a mile from where Ross lives now.
By Com'r Needles
Q Was Oliver Ross a Cherokee? A. Yes sir.
Q Cherokee Indian? A. Yes sir.

MELVINA FARRIS the applicant, recalled, By Mr. Hastings:

- Q When was the first time you saw your stepmother? A. When I went North
Q I mean after you come back here? A. I saw her when I was about, good sized girl.
Q Well, how long after the war, as much as ten years? A. Yes sir.
Q Is that the best you can recollect? A. I saw her a good many times at places but I never did come to their house, but I have seen her master a good many times.

By Com'r Needles-

- Q You say that you never drew any money for any of these younger children? A. No sir.

Com'r Needles-Melvina Farris applies for the ~~same~~ enrollment of herself and five children, to-wit: Elijah, Mattie, Lula, Leroy, Luther and Watt. She cannot be found upon any of the rolls of the Cherokee Nation except the Wallace roll and is duly identified upon the Wallace roll. She avers that she is a child of Andrew Frye by Sophia Ross. She avers that Sophia Ross was a slave of Oliver and Susan Ross, and that she was also a slave. She avers that she was taken out of the Cherokee Nation during the war, and returned in the year 1866; that she is now married to one William Farris, the father of the children for whom she applies. William Farris is what is known as a State man and not a Cherokee freed-man in his own right. They are all duly identified and sworn.

satisfactory proof is to residence. Now, Melvina Farris and her six children as enumerated herein will be listed for enrollment in Cherokee freedmen upon a doubtful card awaiting further consideration of the Commission. She will be notified by mail of the action of the Commission in the premises. It will be necessary for applicant to make satisfactory proof of birth as to said children, their names not being found upon any of the rolls.

SUPPLEMENTAL to the above application:

MILLIE FRYE, being sworn and examined by Commissioner E. B. Hodges testified as follows:

- Q What is your name? A. Millie Frye.
 Q How old are you? A. I am 64.
 Q What is your post office? A. Vinita.
 Q Are you a Cherokee freedman? A. Yes sir.
 Q On the roll of 1880? A. Yes sir.
 Q Do you know Vinny Farris who has just applied to be enrolled? A. Yes sir.
 Q Did you know her mother? A. Yes sir.
 Q Who was her mother? A. Sophia Ross.
 Q Was Sophia Ross and Melvina, were they slaves? A. Yes sir.
 Q To whom did they belong? A. Oliver Ross.
 Q Was he a Cherokee citizen? A. Yes sir.
 Q How long have you known Melvina? A. I have known her ever since she was a baby.
 Q You knew her mother, Sophia? A. Yes sir.
 Q Was Sophia taken out of the Cherokee Nation during the war? A. Yes sir.
 Q Where to? A. To Kansas.
 Q When did they return? A. I can't tell you.
 Q When did you first see Melvina after the war? A. I don't remember just when it was.
 Q Well about how many years afterwards? A. I don't know, 18 or 20 years.
 Q You never saw her, Millie, after the war? A. She lived with an Uncle ~~Samson~~ we were in Kansas.
 Q Did you come back with Andy Frye? A. No sir.
 Q Andy came first did he? A. Yes sir he left her with her mother.
 Q You don't know when she and her come back? A. No sir.
 Q Andy is her father? A. Yes sir.
 Q You married Andy afterwards? A. Yes sir.
 Q Did ~~Sophia~~ Andy and Sophia live together as man and wife? A. Yes sir and Oliver Ross lived out on the Verdigris ~~land~~ and that separated them and afterwards he moved on there a while and Andy was married.
 Q Is Andy Frye living? A. Yes sir.
 Q You say his name is on the roll of 1880? A. Yes sir.

The 1880 authenticated roll of freedmen of the Cherokee Nation examined and name of applicant's father found thereon, page 858, #1074, Andrew Frye, Delaware district.

SUPPLEMENTAL JUDGMENT: The testimony of Millie Frye, who is now the wife of Andrew Frye, indicates that the said Andrew Frye and Sophia Ross lived together as man and wife a number of years before the war, and the said Andy Frye has been listed for enrollment and his name appears upon the authenticated roll of 1880 as per page and number of the roll as indicated in the testimony.

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Reason.

Subscribed and sworn to before me this 3d day of July, 1901.

(signed) E. R. Newbridge

Notary Public.

I, Chas. von Weiss, upon my oath state that the foregoing is a true and complete copy of the original.

Chas von Weiss

Subscribed and sworn to before me this 3rd of August, 1901.

Wm Green

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes.
Fort Gibson, I.T., September 30, 1901.

In the matter of the application of Eliza Ratcliffe et al. for
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

J. H. KIDD, appearing before the Commission and being duly
sworn and examined, testified as follows:

Mr. Hastings: What is your name? A J. H. Kidd.

Q What is your age, Mr. Kidd? A I am 56 years old.

Q What is your postoffice? A Clyde, Washington County, Arkansas;
Cane Hill is nearer, but I live near Clyde, one mile this side.

Q What was your father's name? A Tandy K. Kidd.

Q Where did you live before the war, you and your father? A I
lived in Washington County right in Cane Hill.

Q Near where you live now? A Yes, sir.

Q Did your father have a slave before the war named Eliza Ann?

A Well now as for the Eliza part I don't recollect that, we always
called her Ann.

Q You know where your father got her? A Got her out of the Cherokee
Nation.

Q And you know from whom? A Ratcliffe.

Q Do you know whether or not your father owned, or whether he had
her hired? A He owned her.

Q Did he own her when the war came up? A Yes, sir.

Q How long had he owned her when the war came up? A Well now I
don't recollect, I was small. It was some time though before the war;
I can't recollect dates at all.

Q As much as four or five years or more? A Yes, sir.

Q More than that? A Yes, sir.

Q What became of her during the war, Mr. Kidd? A Well when the
war came up we carried our negroes south and we first stopped in
Montgomery County ten miles from Mt. Ida.

Q Is that in Arkansas? A Yes, sir.

Q Well? A We stayed there, as well as I recollect, about 2 years.
and then we moved down into Saline County, I believe it is called.

Q Is that in Arkansas? A Yes, sir, still in Arkansas; went
sorter down by the Saline Salt Works.

Q And that was in Arkansas? A Yes, sir; and we stopped there
and run the salt furnace there for sometime, and then we moved from
there to Clarksville, Texas, Red River County, and we stayed there
on the Jackson farm, as well as I remember, a year, maybe two years,
until the war closed at any rate; we stayed there till the war closed
and after the war closed I was at home here and our teams and negroes
were all out there, and I went myself out after the teams and brought
back all of our old darkies that wanted to come home, and Ann and
Ellis Kidd; he was born before the war. I don't remember his age
though.

Q Now who was the mother of Ellis? A Ann.

Q Did Ellis go these routes with his mother? A Yes, sir; and I
brought them back to Van Buren and they wanted to stop off there,
and several of the old darkies stopped off, and some went home.

Q You left them in Van Buren? A Yes, sir.

Q When was that? A It was the year the war closed.

Q In '65? A Yes, sir; I left her down there, and I was down
there some four years, five years maybe, after that, I don't recollect,
and I went to see Ann, she was our cook, my father's cook before the war--

Q Well, was she there then? A Yes, sir.

Q That was four or five years after you left her there? A Yes, sir.

Q Her boy there? A Yes, sir.

Q Ellis? A Yes, sir, I suppose so, I never saw him, I saw his mother, I think he was out somewhere she told me, I disremember now.

Q Did you ever see her after that? A Never seen her since.

Q You don't know where she has been living since that? A No sir, I don't know.

Q You say Ellis was born before the war up at your place? A Yes, sir.

Q He went the routes with his mother and came back and you left him at Van Buren with her? A Yes, sir.

Q They were slaves of your father when the war came up? A Yes, sir.

Mr. Mellette: How old are you? A I am 56 years old.

Q Do you know the applicant here, Eliza Ratcliffe? A I know Ann, I don't know whether her name was Eliza or not, we never had that name in the family, we always just called her Ann.

Q You don't know whether the applicant for enrollment here is the person you are talking about or not? A Well I don't know only from the evidence I have heard since I have been here; I left her as I have said in Van Buren and I haven't saw her since five years after I left her there.

Q How long ago since you have seen the woman you are talking about? A Oh, it has been, I don't recollect; it was some four or five years after I left her there.

Q Well that must have been five or six years after the war? A Yes, sir, I guess it was, four or five or six, along there.

Q You haven't seen her since? A No, sir, not since I made her a visit.

Q You ever seen the boy? A Never have since I left him there.

Q Ellis? A Never have seen him.

Q Do you know a man by the name of Leech? A Leech; yes, sir, there was several families of Leeches living about Kane Hill.

Q Do you know a Leech that lived in the Cherokee Nation? A No, sir, that is his given name.

Q I don't know his given name? A That is the family of Leeches there that has been there years and years.

Q How old were you when the war broke out? A Well I was born in '45.

Q You were about 15 years old? A Yes, sir, about 15.

Q Did you stay at home all the time? A No, sir, the latter part of the war, well I was backwards and forwards; before the war I was at home all the time; before the war.

Q Up to the beginning of the war? A Yes, sir.

Q Who attended to your father's business? A Why my oldest brother after his death.

Q When did your father die? A He was killed in Boonsboro the first year of the war.

Q How do you know that your father bought this woman you are talking about? A I just heard him say it as all I know about it, I didn't see him buy her or pay for her.

Q It was just the talk? A Yes, sir, I know she stayed with the family all the time until the war closed.

Q How many slaves did you take south? A I don't remember, it seems to me there was a good big drove of them.

Q About how many? A Why I can sit down and count them up, but I don't recollect thirty years back all of them.

Q Well, what was their names? A Well, there is one her name was Fannie, she was a house woman there to, and the men folks was Sam, Peter, and two Docs, I distinguished them by Long Doc and Doc Grady.

Q Well, that all you can remember? A Oh no, there was Bob, Harriett, she is dead, and Ellen, Caroline and her children, I forget their names.

Q All you know about this applicant, or about the woman you are tes-

tifying about, is that her name was Ann? A Yes, sir, I know her name was Ann, and she stayed with us till after the war closed.

Q Now where was she when the war broke out? A She was in Cane Hill in Washington County.

Q How far is that from the line? A Well, it is just six miles from Dutch Mills.

Q Dutch Mills in the Territory? A No, sir, it is in the State, Washington County.

Q Then what made you mention Dutch Mills? A Well, it is near the line; you asked me how far from the line, and I told you about six miles from Dutch Mills, that is right on the line.

Q Well did this woman Ann that you speak of ever go over into the Territory during that? A Never, I don't reckon.

Q I am not asking what you would reckon, I want to know whether she did or not? A No, I don't reckon she ever did, I can't tell that certain; you see all that has been a long time ago.

Q Do you remember when she came to your father's house? A Yes, I remember the time when my father brought her there; the man that sold her.

Q Do you know the man that sold her to him? A No, sir, I don't know him, she always called him Mr. Ratcliffe, I don't know his given name or anything about that.

Q Did you hear any trade between your father and this man for her?

A No, sir.

Q Then you don't know of your own knowledge that your father bought this woman Ann at all? A Nothing more than hearing him talk about it at home, didn't see the trade made; my father bought a great many darkies about that time.

Q Now when you left Cane Hill during the war, where did you go?

A We went first to Montgomery County near Mt. Ida, ten miles from Mt. Ida on the South Washita.

Q Did you go into the Indian Territory? A No, sir.

Q How old a woman was Ann at that time? A I don't know her age, she was a woman grown though when my father bought her and she came there.

Q When was this boy Ellis born? A Well I don't recollect when he was born, he was a right smart kid when we went out; I recollect the little fellow, we used to hire him to dance, when he was five or six years old.

Q Well, where was he born? A At Cane Hill at my father's home.

Q How many years before the war? A I don't know, I guess two or three years, I don't recollect.

Q And before you went out you used to hire him to dance? A No, when we were out on the road, the boys would hire him to dance, he was a little fellow.

Q Then he must have been about five years old when you went out?

A Well I don't know, well it was somewhere along five, I can't tell; as I said, I can't recollect dates, I just remember the woman that we called Ann, she was my father's cook for years.

Q You don't know anything about this man Ratcliffe? A No, sir.

Q How many slaves did your father have ~~was~~ from the Indian Territory? A Let me see; he owned her and one from the Creek Nation; I believe that was all that was from the Territory, just them two I think; all I can recollect.

Q What was your father using the slaves for there on Cane Hill?

A Farming.

Q Raising cotton? A No, sir; no, sir, grain.

Mr. Hastings: Were there any other kids that lived at Cane Hill, Arkansas, except your family, before the war? A No, sir.

Q None? A No, sir, none in Washington County.

Q That was the only slave your father got from a man by the name of Ratcliffe? A Yes, sir, the only one I have any recollecting of buying out of the Nation, except this Creek.

Q You know that he owned her like you know that he owned other

... yes, sir, he owned her as other property.

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CHARLES M. McCLELLAND, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Charles M. McClelland.

How old are you? A I am going on 58.

Where were you born? A Cane Hill, Arkansas.

Where were you living the first few years before the war?

Cane Hill.

Q You lived there from the time you were born up to the war, most of the time? A Yes, sir.

Q You know this man Kidd that has just testified? A Yes, sir, Jim Kidd, we were raised right together.

Did you know his father? A Yes, sir.

Q You were brought up together? A Yes, sir, we were between a quarter and a half mile apart.

Q Did you know a slave that they owned before the war, by the name of Eliza, or Ann? A I didn't know Eliza, I knew a girl they had named Ann.

Q You know where they got her? A No, sir, only by hearsay.

Q Well, do you know whether she came from the Cherokee Nation? That is what I always understood.

Did she have a child? A Yes, sir.

Q What was his name? A Ellis, a little boy.

Q About when was Ellis born? A Well I can't tell you just when but he must have been somewhere between three and five years old in '62, about that age I think, a little fellow running around, I can remember him very well.

Q You say he and his mother belonged to Mr. Kidd? A Yes, sir.

Q Do you know what became of them during the war? A Well the last time I seen them, I stayed with the Kidds in the winter of '63 and '4, I guess it was '63 and '4, I may be mistaken, it might be '62 and '3, but I think it was '63 and '4, in '62 and '3 and they were close to Mt. Ida, Arkansas, and I stayed there for oh I guess two or three months; we were quartered down in the southern part of the state, our battalion was, I got a furlough and went up there and stayed two or three months, I don't know just exactly though, perhaps only two months, and this girl she was there and the boy too then; or the woman

Q Well, did you see them after the war? A No, sir, I have seen Ellis after the war, the boy, he came once, he heard I was at Van Buren and he came up and told me who he was, I think he told me he was working there, breaking in the yards there at Van Buren.

Q You saw him there? A Yes, sir, saw him and talked with him.

Q You never saw his mother? A Not that I know of, no, sir.

Q Don't remember ever seeing her after the war? A No, sir.

Q About how old a woman was his mother? A Well, I don't recollect what age she was, must have been about - well I don't know, you can't tell a negro's age, I don't know how old she was, she wasn't an old woman.

Q She was grown when the war came up? A Yes, sir, she was a young woman, I think about twenty, perhaps might have been 25, but I would think she was somewhere in twenty, I don't know.

Q How long did you know her at Mr. Kidds before the war? A I don't recollect, several years though, I don't remember that, I was just small myself, I was only about 15, but she was there several years.

Mr. Mellette: Now Mr. McClelland, you don't know that the woman you are speaking of is the one that is applying here for citizenship?

A I don't know anything about that, I know there was a woman there they called Ann Kidd that had a boy named Ellis, a little mulatto boy, we all lived right close together, and the Kidds and us, Jim and I were same age and playmates, and I spent a good deal of my time there; was raised together.

Q You don't know of your own knowledge how she happened to be there

at the Kidd's house? A No, sir, don't know a thing about it; I heard them say they bought her in the Nation.

Q I am asking about your own knowledge? A I didn't see them buy her.

Mr. Hastings: Was there any other Kidds around Cane Hill except this family? A No, sir.

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FANNIE DENTON, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Fannie Denton.

Q What is your age? A As near as I know it, it is about 70 years old.

Q You were a slave before the war? A Yes, sir, long before the war, I came from Louisville, Kentucky, and lived about Warrentonville a good long while.

Q Who owned you when the war came up? A T. K. Kidd, he has got a son here somewhere.

Q Where did he live? A He lived at Cane Hill.

Q Arkansas? A Yes, sir.

Q How long had you belonged to Mr. Kidd when the war came up?

A Two or three years I reckon; I stayed about a year up to the home farm, and he said he thought he could trust me to be the housekeeper on the lower farm, and I stayed down there about two or three years I guess, I was there in '61, the wind up I know of '61 is when we all run south.

Q Did you know a slave by the name of Eliza, or Ann Kidd?

A Yes, I knew one of the home farm women, named Ann Kidd.

Q Did she have a child? A Yes, sir.

Q What was his name? A Well his name was Ellis.

Q About how old was Ellis when the war came up? A Well he was about two years old or maybe three, I think he was about that old when we run, for I know them white fellows was around the camp having him dancing.

Q What became of Ellis and his mother? A Well they went on with us, just first one place, I can't tell you to save my life, but just one place and another till we got to Clarksville and stopped.

Q They took you south with the family? A They didn't take us, but we went south to Clarksville, Texas, to the Moores, and one of the Kidds married Moore and there is where we went, and when peace was made there is where we were.

Q After peace was made, there did you go? A I came back home, but Ann stopped at Van Buren.

Q Did she come along as you did up to Van Buren? A It has been so long I nearly have forgot it, but I think Ann came ahead of us, two crowds of men brought us, and I think Ann was in the first crowd, but I saw her at Brodie's Hotel when I came through.

Q When was that, how long after the war? A I think about '65, I will not be positive.

Q That was in Van Buren, Arkansas, you saw her? A Yes, sir.

Q Was the boy with her then, Ellis? A I don't remember but I think he was, I am not positive about that, you know we didn't stay but a few minutes there, I wanted to hire her, but the white people didn't want me to stop there, I had carried thirty thousand dollars all through the war for them, and because I had carried this money they wanted me to be housekeeper at home, and when we got there everything was burned up and broke so they found they couldn't keep me, and I quit housekeeping and taken in work.

Q I want to talk about this woman; whether she came along with you; you saw Ellis was with her in Van Buren in Arkansas in '65?

A I saw her just a few minutes, I saw Ann Kidd, it was Ann Kidd, I am not positive I saw Ellis; later on I did see him when I was at Little Rock.

Q When did you see her again there? A When I went to Little Rock and stayed thirty days, with one of my girls, she was in college going to school, and I was on my return, and just before I got off one of these McClellon boys met me and helped me out of the train with my things, and I went up to Ann's and stayed a day or two right by her.

Q Do you know when that was? A No, sir, I don't, but it was about '88 I think.

Q You think it was in '88? A I am not positive about that, but anyhow I stayed at Ann McKee's.

Q About how many years ago was that? A About '88 I reckon, no it was worse than that; it was about in '88 I think when I was there.

Q She was living there then? A Yes, sir, she had a home of her own there.

Q Did you see Ellis there? A I don't know whether I got to see him that time or not, he was married and him and his wife lived together, but I was at Ann's, she was married to a man named Mackey.

Q That is Ann Ratcliffe? A Yes, sir; I don't know whether she was married to him, they were living together and she said that was her husband; she had two little children, grandchildren of Ellis, I think keeping them there; if I heard their names I would know them but I don't know them now; wasn't one of them Walter, or have any of you his name; and they were two different women's children; children I am talking about was two different women's children.

Q Well, did you ever see her any more down there? A No, sir, I don't believe I did, she went to the Nation later on.

Mr. Mellette: How much money did you carry during the war? A Thirty thousand dollars, and have got witnesses to prove it; thirty thousand dollars, carried it for old T. K. Kidd.

Q Was it greenbacks? A It was silver and war bonds.

Q You carried it with you how many years? A Well, in '61 I had it, about in '63, down till after peace was made.

Q Peace was made in '62? A No, sir, it was made later on, but about '62 I had it, in '61 or '62 and that is when they gave it to me.

Q And you carried it all during the war? A I carried it the balance of the time.

Q How long? A There is white people at Fayetteville can tell you.

Q I want to know how long you carried the money? A I think from '62 down to about '64, maybe along into '65.

Q Now who took you south? A Why the overseer and one of the boys.

Q What boy? A I think one of the Kid boys, I believe it was, yes sir it was Lucius, and he was killed.

Q Lucius Kidd took you south? A With this overseer, him and the overseer took the darkies south.

Q Was this woman Ann with you? A Yes, sir.

Q Went right along with you out there did she? A No, she couldn't have gone with me, she lived at the home place and I lived at the lower farm, where I kept house, and we camped together on Lees Creek, and I think there is where we camped, and there is where Lucius and all them made the boy dance; he was about two years old.

Q They made the boy dance on Lees Creek? A I think that is where it was.

Q You remember them making him dance on Lees Creek? A I recollect it wherever we were camping that night.

Q How old a boy was Ellis at the time they made him dance? A I can't tell you to save my life.

Q Measure with your hand? A He looked like he was about that high (indicating).

Q About two feet and a half? A He looked just about that high; when we were getting supper they had that little boy dancing.

Q How do you remember that? A Because I was sitting around, I didn't have nothing to do.

Q How do you happen to remember that boy dancing? A They were always having him.

Q When you talked about this case before you came down on the

stand? A Never talked only here since I came to this place. I didn't know what they wanted me to talk about.

Q Have you and Mr. Kidd talked together? A Which Mr. Kidd?

Q This one here? A Only since we came.

Q You all talked together in Mr. Hastings' office? A Yes, sir, I did since we came here.

Q Did you ever remember anything about the dancing until you heard Mr. Kidd say the boy danced? A I never heard him say so without he said it since I say it; I say it myself because there were the most outdacious folks ever was, not only the Kidds but there was a whole lot of white folks together, this man McClelland was one, first one and another, and they were together and they would have the little negro children dancing.

Q Then you stayed right with Ann up to the close of the war? A No, sir I didn't stay right with Ann, I never stayed much with my color; you know they were studing about that monye they had me with and I didn't stay with them much.

Q Did you carry this money on your back? A No, sir. I carried it sealed and I kept that and carried it all right.

Q Thirty thousand dollars in silver was a pretty big pile? A It was in a tin box, they put handled on that I reckon, and I run them fingers in that and carried in under my cloak with my baby in my arms when it was six days old, and I hid it in the cotton, and if that gentleman McClelland would have asked that Howe about it yesterday he would have told him..

Q Where did you come from when you came this time? A Came from Fayetteville.

Q How did you come here? A I came on the train.

Q Where did you get the money? A I don't know where the fellow got it that give it to me, one of them attorneys sent the Sheriff down with a piece of writing to me and told me to come up and he could explain it to me, and he did, and later on, I told him I haven't got any money, and he says they will send you a pass, but they didn't do it, but when the time began to draw nigh my conscience felt like I had better go, and I gues and sees the Sheriff, and he says you had better go, and I says, I haven't got the money, and he says, I have just spent what I have this afternoon, and I goes next morning up town and took my buggy and horse, and I told him, now I want the money and there stands my buggy and horse, and the Sheriff says Bish will let you have it.

Q Your sold your horse? A No, sir, I pawned it.

Q You had to pawn your horse to get money to come here? A I did, had to pawn my buggy and horse.

Q Who brought you back from the south after the war? A Jim Kidd stayed home and I think he brought me.

Q What Jim Kidd, the man that is here? A Yes, sir.

Q Are you swearing by what you know or what Jim Kidd said? A I am swearing by what I know.

Q Who brought you back? A I told you what I can remember, I remember Andy - you know he was the overseer - and Jim Kidd says he was the one with us, I am not positive about it.

Q Now you know Ann didn't come with you? A She never come any farther than Van Buren for she came that far and stopped.

Q Now didn't Ann come ahead of you? A She must have come ahead, I know I run in the hotel and seed her.

Q Then Ann didn't come in the same crowd you did? A She came ahead of us.

Q If she was ahead she couldn't have been in the same crowd?

A You don't know how our folks came.

Q You are swearing about Ann being at a certain place just before the war; now I want you to swear where she was along after the war when she came back with you? A I told you as near as I can remember that she was ahead, they might have all started with us, but I think she beat us there because I tell you; I was in Broadie's Hotel and

she was there.

Q You remember running in Broadie's hotel? A Yes, sir, I do.

Q Where did you find her in there? A She was standing in there.

Q In where? A In the kitchen.

Q You remember seeing her in the kitchen 35 years ago? A I don't know when it was but it was when we came through there.

Q Was she there when you got there? A I don't know whether she was or not, you know I had my baby, and it has been so long and my white folks didn't allow me to be away from them very much, and I don't remember whether Ann started with us and beat us there.

Q Or whether she started a long time before you? A I don't remember, but later on I visited Ann.

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ROBERT RATCLIFFE, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Robert Ratcliffe.

Q What is your age? A About 29, near thirty.

Q What is your postoffice? A Tahlequah.

Q How long have you been living at Tahlequah? A Eight years, soon will be.

Q Where did you come from when you went to Tahlequah? A Van Buren.

Q Where were you born? A I was born near Dardanelles some place.

Q When did you first go to Van Buren? A When I remember I was there; we moved there in about '73.

Q You were a baby, a boy? A Very small, yes, sir.

Q Do you know a colored man by the name of Ellis Kidd, or Ellis Ratcliffe? A Yes, sir, I know him.

Q How long have you known him? A Ever since I can remember.

Q Where did you first know him? A Van Buren.

Q Do you know his wife; is he a married man? A Yes, sir.

Q Do you know his wife? A Yes, sir.

Q What is his wife's name? A The one he has got now is named Hollie.

Q Has he had more than one? A He was married twice.

Q Well what was his first wife's name? A I believe her name was Eugene Berry, if I make no mistake, I am not certain it was Eugene, but it was a Berry.

Q Do you know any of his children? A Yes, sir.

Q What are their names? A One is named Nathan, one named Oscar and Iron.

Q The father of these children, Ellis, is the one you know? A I suppose it is.

Q Do you know his mother? A Yes, sir.

Q Where did you know her? A Van Buren.

Q What was her name? A Ann Mackey when I first knew her, that was her husband's name.

Q How long have you known her? A Ever since I can remember.

Q Where was she living when you first knew her? A Van Buren.

Q How long did she continue to reside there? A Why she stayed there till about nine or ten years ago, between nine and ten years ago that she came to this country.

Q Do you know where she went to? A Went to Tahlequah I think.

Q Where did Ellis go? A He came to Tahlequah about between seven and eight years ago; well he came up the time she did, but he never moved there until after I went there; he was just backwards and forwards.

Q You know where Ellis is now? A I haven't seen him for four years.

Q Don't know where his postoffice is? A No, sir.

Q Know where his mother is now? A I haven't seen her.

Q They lived at Tahlequah a while? A Yes, sir.

Q You know whether Ellis plays on any stringed instrument or not?

A Yes.

Q On what? A Guitar.

Q Where did you live along about the Cherokee payment, 1894? A He was in Tahlequah during the payment, he hadn't moved then, I guess he was at Van Buren then; he was at Tahlequah during the payment.

Q Now you say that you know Ellis' mother ever since you can remember, and that was at Van Buren, Arkansas? A Yes, sir.

Q They continued to live there till eight or nine or ten years ago?

A Yes, sir, then they moved away from there about that time, I think they moved away from there, I don't remember whether it was '92 or '93, somewhere along about that time when they moved from that country.

Q You knew them all that time? A Yes, sir.

Mr. Mellette: You any relation to these people? A Yes, sir.

Q What? A Cousins, Ann is a first cousin to my father.

Q Where did your father live during the war? A He lived in this country at Tahlequah, somewhere near Caney I suppose, he was sold out from here.

Q Are you a citizen of that country? A Never have claimed any citizenship.

Q Born in Arkansas? A No, sir.

Q Ever been arrested? A No, sir.

Q Never in your life? A No more than the police once.

Q When? A Just arrested by the police once in Tahlequah.

Q You have been arrested then? A Yes, sir.

Q What for? A Just with a rough crowd of boys one time and they claimed we were out too late and arrested the whole bunch of us, about ten or fifteen.

Q When did you first go to Van Buren, Arkansas? A When I can remember anything I was there.

Q How old are you now? A I will be 30 years old the 4th day of next March.

Q How long can you remember now? A I can remember back about '75 or '76, I remember in '76 well, my father left me when I was 3 years and 11 months old to the day and I remember that.

Q You can remember back to '76? A Yes, sir.

Q You were three years old then? A I was near four years old then.

Q Where were you living then? A Van Buren.

Q Who were you living with? A My mother.

Q What is her name? A Eliza.

Q Where is she now? A She is at Van Buren.

Q When you can remember, you remember seeing Ellis Ratcliffe at Van Buren? A Yes, sir, been there ever since I can remember.

Q And the woman that you call Ann Ratcliffe, what is her name?

A Cousin Ann, is all I know of her, just Ann.

Q Never knew her by the name of Eliza? A No, sir, just called her Cousin Ann.

Q Never heard her go by that name? A No, sir, not that I remember of.

Q The woman that you are talking about was known as Ann? A Yes, sir, known as Ann Mackey.

Q Did you ever know a woman called Eliza Ratcliffe? A I never knew her; I don't know what her other name was besides of Ann.

Q In your whole life you have never known of the one you are talking about being called Eliza Ratcliffe? A No, sir, I haven't.

Mr. Hastings: Did you ever hear Ellis' mother talk about where they lived before the war? A Yes, sir.

Q Where did she say they lived? A Tahlequah, somewhere near Tahlequah.

Q Who did they claim to belong to before the war? A Ratcliffes.

Q Did they ever go by any other name besides Ratcliffe? A Not that I know of, not that I have heard them say anything of at all.

10 -

Q Did Ellis ever go by the name of Kidd? A He did.

Q Why didn't you say so; I asked you if these people, if Ellis and his mother ever went by any other name besides Ratcliffe? A I say she didn't, only Mackey, Ellis was called Kidd all the time.

Q What did Ellis go by? A Ellis Kidd.

Q Did he always go by the name of Ellis Kidd? A He did as far as I can remember.

Q Did he ever say how he got the name of Kidd? A He said his father was a Kidd.

Q What did this Ellis Ratcliffe do down there before his marriage, up when he was a young man, what kind of work? A He ~~six~~ done breaking on the railroad, running a brakeman for about 18 years I guess, ever since he has been large enough to work I guess.

Q Did you ever know any other Ellis Ratcliffe or Ellis Kidd who lived in Van Buren during that time? Any other one besides this one?

A No, sir, not that I know of.

John McCarty, appearing before the commission, and being duly sworn and examined, testified through S. R. Walkingstick, a regularly sworn interpreter, as follows:

Mr. Hastings: What is your name? A John McCarty.

Q What is your postoffice? A My postoffice is Tahlequah, Indian Territory.

Q How long have you lived up about Tahlequah? A I have been there about 59 years, I was born there.

Q Did you ever know a colored woman by the name of Ratcliffe?

A Yes, sir, I knew her.

Q What was her first name? A Well I only knew her by the Indian name, Tyosta.

Q Where did she live? A She lived this side of Caney near the Illinois River.

Q Where did she live before the war? A She lived there at the commencement of the war.

Q Who owned her? A Robin Ratcliffe I suppose was the man that owned her, but there was three brothers all lived together, I don't know which one of the brothers she belonged to, but she lived there with him.

Q What became of her during the war and after the war, this woman?

Q I think she must have just stayed there all during the war because when I came back after the close of the war she was at the same place; when we were stationed here during the war, at this place, why if any of the Cherokees should come from over in that neighborhood she would be along with them and they would take her back.

Q Did she speak Cherokee? A Yes, she spoke good Cherokee, as good Cherokee as I speak.

Q Did she live among the Cherokees? A Yes, sir, she lived with them all the time, and after the close of the war she still continued to live with the full bloods.

Q In what district? A Tahlequah district.

Q Well, how long did she continue to live in Tahlequah district; is she living there now? A Well she died, she has been dead about eight or nine years; she died in about the same neighborhood on Caney.

Q Now the woman you have been talking about is the woman you mention as having died eight or nine years ago? A Yes, that is the same one; as to the exact time when she died, of course I am not able to tell.

Mr. Mellette: Now when do you say this woman died you have been talking about? A I think it has been about eight or nine years as I stated, I am not positive as to the time.

Q She had died at the time of the Cherokee strip payment in 1894?

A I think so.

Q Where did she live when she died? A She died on Caney, in

Tahlequah district.

Q At whose house? A She died, so I was told, at a full blood's house by the name of De-ger-ya-shee.

Q What is his English name? A I don't know his English name.

Q Where did you ~~us~~ last see that woman, Eliza Ratcliffe? A I hadn't seen her for about 18 years, something in that neighborhood; I moved from that neighborhood about 16 years ago.

Q Was she dead before the Kern-Clifton Freedman roll was made?

A Yes, I believe she was.

Q What was that woman's name? A Iyosta, I stated that her name was Iyosta.

Q Isn't that all the name she ever went by? A Yes, all the name she had in Cherokee; that is all the name that she was known by.

Q Was she of Cherokee blood? A I can't state as to that, she was very black.

Mr. Hastings: About how old was she when the war came up? A Why she was a very old woman when the war commenced, she must have been at least sixty years old.

Q About how old was she when she died? A I can't say, it would be difficult for me to guess at her age.

Q You are just guessing at her age? A Yes.

—o—

JOSE ROSS, appearing before the Commission, and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your age? A 71.

Q Where were you born? A Back in the old country.

Q Well, where were you living ten or fifteen years before the war?

A Right up here on Park Hill.

Q Where did you live after the war? A Right here, down here and up there.

Q In Tahlequah district? A Yes, sir.

Q Did you know a colored woman in the Cherokee Nation by the name of Eliza Ratcliffe? A Yes, sir.

Q Did you know her before the war? A Yes, sir, I knew her before the war.

Q Who did she live with? A Lived with the Ratcliffes.

Q Where was that? A Right down across the river on the other side the river.

Q Other side of what river? A Illinois.

Q In what district? A In Tahlequah I guess.

Q Well about how far from Tahlequah? A Five or six miles.

Q East? A South, right southeast.

Q Do you know where she was living when the war came up? A She was living on Caney.

Q Well how far is that from Illinois River? A It is about three miles I guess.

Q Did you know this woman after the war? I believe you said you did a while ago? A Yes, sir.

Q Where did you know her after the war? A I seen her, the last I seen her she was at Tahlequah.

Q Is she living now? A No, sir, she died.

Q About when did she die? A It has been nearabout four years ago I believe.

Q Where did she die? A She died up on Caney.

Q Do you know whether that woman talked Cherokee or not? A She talked Cherokee.

Q Do you know whether she went out of here during the war or not?

A No, sir, she never went out nowhere, she just stayed among the Indians on Caney, stayed with a big old woman they called Dianna.

Q Do you know whether she had a Cherokee name, or do you know? Know

whether they called her anything else besides Eliza? A They called her Iyosta, her Indian name.

Q Are you a Freedman citizen of the Cherokee Nation? A Yes, sir.

Q Did she ever have any boy by the name of Ellis? A No, sir, not as I know of.

Q Did you ever know that young fellow Ellis Ratcliffe or Ellis Kidd that stayed about Tahlequah? A I was just simply acquainted with him, I never knew him until I saw him there at Tahlequah.

Q He wasn't the son of this woman you are talking about, was he?

A No, sir.

Mr. Mellette: When did you say this woman you are talking about died in Tahlequah? A Oh it has been about four years ago, she was in Tahlequah during the last time I saw her.

Q Who was she with? A I don't remember who she was with, I just seen her there in town.

Q Who is older, you or she? A Why she was an old woman, older than I was.

Q Whereabouts did you see her in Tahlequah, what place in Tahlequah? A She was there on the streets, about the stores.

Q You are swearing about that, you are positive? A Yes, sir, swearing about it.

Q Just four years ago you saw her there? A Yes, sir.

Q Speak to her? A Yes, sir, I spoke to her.

Q Where was she living at that time? A Living on Caney.

Q How do you know? A I know there is where she told me she was

living.

Q You were never at her house, were you? A No, sir.

Q You were never at her house in your life, were you? A I was there where she was staying with some Indians.

Q Before the war? A No, sir, since the war.

Q Did you know her before the war? A Yes, sir.

Q Who owned her? A She used to belong to the Ratcliffes, I don't know which one of the Ratcliffes owned her.

Q Where did the Ratcliffes go during the war? A I am not able to tell you.

Q Did they go out? A I am not able to tell you whether they went out or not.

Q Did you go out? A No, sir, what time I went out I went out teaming for the Government, that is as far as I went.

Q Was this Ratcliffe woman you are talking about living with the Ratcliffes before the war? A Yes, sir.

Q You don't know whether they owned her or not, do you? A No, sir, I don't know whether they owned her or not, they said she belonged to the Ratcliffes.

Q You don't know whether she was a slave? A Yes, sir, she was a slave.

Q How do you know? A Because I know she was a slave, they owned her.

Q How do you know it? A Why I know it just because by she wasn't a free woman.

Q Are you any relation to Nelson Lowrey? A No, sir.

Q You know him? A Yes, sir.

Q How close does he live to you? A Why he lives about 7 or 8 miles from me.

Q How did you happen to come here as a witness? A I was summoned down here.

Q Who summoned you? A Nelson Lowrey.

Q When did he summons you? A Tuesday I think.

JOHN MCCARTY, recalled by applicant, testified as follows:
Mr. Mellette: When were you subpoenaed as a witness to come here?

- 72 -
A It was either Tuesday or Wednesday.
Q Who subpoenaed you? A Nelse Lowrey.
Mr. Hastings: Where were you living in 1880? A I lived in Tahle-
quah district on the road to Siloam Springs.
Q Do you know where this woman you have been talking about lived
at that time? A Yes, she lived around there in that neighborhood
that I speak of, was living there all the time.
Q Do you know whether or not she is enrolled? A I don't know
whether she was enrolled or not.

-----O-----
FANNIE DENTON, recalled, by attorneys for Cherokee Nation,
testified:
Mr. Hastings: Whom did you say that this Ann Ratcliffe was living
with when you saw her the last time in Van Buren, who did she marry,
or who did she live with? A Her and Mackey were living together.
Q Do you know his first name, Mackey's? A I believe his name was
Oliver.
Q She went by the name of Mackey then? A No, sir, I never knew
any other name but Ratcliffe in my life.
Q And that is Ann Kidd you have been talking about, that is the
same woman you saw down there went by the name of Mackey? A Yes, sir.
Q And she had a son by the name of Ellis? A Yes, sir.

-----O-----
ROBERT RATCLIFFE, recalled by Cherokee Nation, testified as
follows:
Mr. Hastings: Do you know what Mackey's first name was? A Oliver.

-----O-----
Commission: This testimony will be filed in the cases of
Eliza Ratcliffe, No. D-723, and Ellis Ratcliffe et al., No.
D-734, and Rejected Freedman No. 124.

Bruce G. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of his stenographic notes thereof.

Bruce G. Jones
Sworn to and subscribed before me this the 24th of September, 1901.

C. R. Brumfield
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERCY ADAMS for enrollment
as a Cherokee Freedman:

Applicant appears by Mallette S. Smith; Cherokee Nation, by
W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation,
No. 17209 filed in the Mariah Hayden case F D 498, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Mariah Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Ellis Rateliff, D 730;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-
duction of the decree because, First: It does not tend to show
that the applicant was a slave of the Cherokee Nation at the
beginning of the war, nor that he returned within the time specified
in the treaty of 1866, or that he had been a continuous resident
of the Cherokee Nation since that time; or that he is a descendant
of such a person. Second: Because the same is incompetent, irrele-
vant and immaterial, and does not tend to prove an issue in this
case. Third: Because the Commission will take judicial knowledge
of all laws, treaties and decrees necessary for the determination
of the right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same is
called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be
entertained and the decree of the Court of Claims filed in the case
of Mariah Hayden will be made a part of the record by reference in
all the cases above named with the exception of those which come
within the provisions of the temporary injunction recently granted
by Judge Gill of the United States Court, of the Northern District,
Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named
cases including the Mariah Hayden case that counsel for the appli-
cant be allowed within thirty days to file any of the proof of any
or all of the record other than the decrees already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings.

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Eliza Ratoliffe et al., for enrollment as Cherokee freedmen, consolidating the applications of:

Eliza Ratoliffe
Ellis Ratoliffe et al
Nathan Ratoliffe

Cherokee Freedmen D 723
Cherokee Freedmen D 730
Cherokee Freedmen R 124

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Eliza Ratoliffe for herself and by Ellis Ratoliffe for himself and his minor children, Nathan, Irving and Oscar Ratoliffe. Copies of the testimony taken at Nowata, Indian Territory, June 19, 1901, in the case of Melvina Farris et al., are made a part of the record herein.

The evidence shows that the said Eliza Ratoliffe and Ellis Ratoliffe, at the consummation of the rebellion, were the slaves of one Tandy K. Kidd, who was at that time residing in the State of Arkansas, and is not shown to have been a citizen of the Cherokee Nation; that they were taken to the State of Texas during the rebellion and did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs The Cherokee Nation et al., for the return of freedmen to said nation.

The evidence further shows that Nathan Ratoliffe, Irving Ratoliffe and Oscar Ratoliffe are the children of Ellis Ratoliffe, born since 1866, and possess no rights to enrollment except such as they derive through him.

None of the names of the applicants herein are identified upon the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Eliza Ratoliffe, Ellis Ratoliffe, Irving Ratoliffe, Oscar Ratoliffe and Nathan Ratoliffe as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1896 (30 Stat., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tamm Barry, Chairman.

(Signed) T. B. Needles, Commissioner.

(Signed) C. R. Brockinridge, Commissioner.

Nowata, Indian Territory,
this AUG 25 1904



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82720

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 20 1901



ACTING CHAIRMAN

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, Aug 21, 1901

Received of the Commission to the Five Civilized
Tribes one copy of the testimony in the matter of the
application of Ellis R. Raliff for en-
rollment as Cherokee Freedman.

Cherokee Freedman #

10730

Medley & Smith
entry for applicants

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 1901.

Given under my hand this
day..... A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
day of..... SEP 18 1901.....

Michelle Smith
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the..... day of..... A. D. 1901

Subscribed and sworn to before me
this..... day of..... A. D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 20 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of Ellis Ratoliffe
~~Ellis Ratoliffe~~
for enrollment as a Cherokee Freedman:

Case No. F. D. 730

To Ellis Ratoliffe or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 20th For at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 14 1901 day of SEP 14 1901, 1901.

L. B. Bell
W. M. Hastings
J. S. Davison
Attorneys for the Cherokee Nation.

COPY.

Oherakee Freedmen
D 730

Muskogee, Indian Territory, August 26, 1904.

Ellie Ratcliffe,
Geffeyville, Kansas.

Dear sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, in the consolidated case of Eliza Ratcliffe, et al., rejecting, among others, your application for the enrollment of yourself and your two minor children, Irving and Oscar Ratcliffe, as Oherakee freedmen. There has heretofore been furnished your Attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED, *Jane Birby*,
Chairman.

Encl. V-41
Register.

COPY.

Cherokee Freedmen
D 723, et al.

Washoe, Indian Territory, August 26, 1904.

The honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Eliza Ratcliffe, et al., together with the Commission's decision dated August 25, 1904, rejecting the applications for the enrollment of Eliza, Ellis, Irving, Oscar and Nathan Ratcliffe as Cherokee freedmen.

Respectfully,

(SIGNED) *James Dixby.*
Chairman.

Encl. V-45

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
D 723, et al.

Muskogee, Indian Territory, August 28, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 28, 1904, in the consolidated case of Eliza Ratcliffe, et al., rejecting the applications for the enrollment of Eliza, Ellis, Irving, Oscar and Nathan Ratcliffe as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

Encl. 7-44

COPY.

Cherokee Freedmen
D 723, et al.

Muskogee, Indian Territory, August 26, 1904.

Edgar Smith,

Attorney for Eliza Ratcliffe, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, in the consolidated case of Eliza Ratcliffe, et al., rejecting the applications for the enrollment of Eliza, Eliza, Irving, Oscar and Nathan Ratcliffe as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

Tamr Bixby.

Chairman.

Encl. V-43

Register.

(COPY)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 27, 1904.

Refer in reply
to the following.

Land.

55425-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 26, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Eliza Ratliffe for herself, and by Ellis Ratliffe for himself and his minor children, Nathan, Irving and Oscar Ratliffe.

August 25, 1904, the Commission decided adversely to all the applicants.

The record shows that Eliza Ratliffe and Ellis Ratliffe were at the beginning of the rebellion the slaves of one Tandy K. Kidd, residing in the State of Arkansas and not shown to have been a citizen of the Cherokee Nation; that they were taken to the State of Texas during the rebellion and did not return to the Cherokee Nation on or before February 11, 1867. The evidence further shows that Nathan, Irving and Oscar Ratliffe are the children of Ellis Ratliffe born since 1864, and possess no rights to enrollment except such as they derive through him. None of the names of the applicants is borne on the 1860 authenticated

Cherokee roll, but their names are identified on the Kern-Clifton roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Towner

Acting Commissioner.

H.M.M.
W.

(C O P Y)

Y. P.
FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON. November 12, 1904.

D. C. 43620-1904,
I. T. D. 8199-1904.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 26, 1904, you transmitted the record in the consolidated case involving the applications for the enrollment of Eliza, Ellis, Irving, Oscar and Nathan Ratcliffe as Cherokee freedmen, including your decision of August 25, 1904, rejecting the applications.

Reporting in the matter September 27, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

F. L. Campbell

Acting Secretary.

1 inclosure.

COPY

Cherokee Freedmen
D-730.

Muskogee, Indian Territory, November 29, 1904.

Ellis Ratcliffe,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting, among others, the application for the enrollment of yourself and your minor children, Irving and Oscar Ratcliffe, as Cherokee freedmen was affirmed by the Secretary of the Interior on November 12, 1904.

Respectfully,

SIGNED

I. B. Needles

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-723, et al.

Muskogee, Indian Territory, November 29, 1904.

Edgar Smith,

Attorney for Eliza Ratcliffe, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting the applications for the enrollment of Eliza, Ellis, Irving, Oscar and Nathan Ratcliffe as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 12, 1904.

Respectfully,

I. B. Neelies
Commissioner in Charge.

COPY.

Cherokee Freedmen
D-723, et al.

Muskogee, Indian Territory, November 29, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated August 26, 1904, rejecting the applications for the enrollment of Eliza, Ellis, Irving, Oscar and Nathan Rutcliffe as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 12, 1904.

Respectfully,

T. B. Needles

Commissioner in Charge.

10

FD730.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
RECEIVED
JUN 27 1901

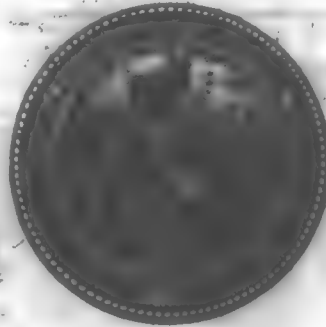
[Signature]
ACTING CHAIRMAN

MARRIAGE CERTIFICATE

Mr. *Ellis McKidd*

TO

Mrs. *Mollie Brady*



Recorded, Book "D" Page 87

Returned and filed this 37 day of

October, 1888

Ben Decker

Clerk

Certificate of Record.

STATE OF ARKANSAS.

County of Crawford I E. D. Lochrane
 is a true copy of a
 Clerk of the County Court of said county certify that the above license for
 together with the endorsement thereon
 and certificate of the Marriage of the Ellis M. Kidd and
Miss Mollie Brady and the same was filed in my office on the
3rd day of October 1888 and the same is duly recorded on page
87 of Book "D" of Marriage Records.



Seal here

WITNESS my hand and the seal of said court this 10th day of

June 1901
E. D. Lochrane
 Clerk.

By _____ D. C.

MARRIAGE CERTIFICATE

Mr. Ellis M. Kidd

TO

Miss Mollie Brady



PAID

Recorded Book "D" Page 87

Returned and filed this 3rd day of

October 1888

Ben Decher

Clerk.

50730

12

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 JUN 27 1901

ACTING COMMISSIONER



STATE OF ARKANSAS,
County of Crawford

To any Person Authorized by Law to Solemnize Marriage Greeting:

You are hereby commanded to solemnize the rite and publish the bans of Matrimony between Mr. Ellis M. Kidd of Van Buren in the County of Crawford and State of Arkansas aged 24 years, and Miss Mollie Brady of Crawford in the County of Crawford and State of Arkansas aged 23 years, according to law, and do you officially sign and return this license to the parties herein named.

Witness my hand and official seal this
2nd day of October 1888
Ben Decherd
Clerk of the Circuit Court

D.C.

((**CERTIFICATE OF MARRIAGE.**))

I, Foster Wallace,
State of Arkansas,
County of Crawford,
do hereby certify that on the 2nd day of October 1888,
I did, duly and according to law as commanded in the foregoing license, solemnize the rite and publish the bans of Matrimony between the parties therein named.
Witness my hand this 2nd day of October 1888.
My Credentials are recorded in Recorder's Office,
County, Ark. Book Page Foster Wallace

NOTE: This License with the Certificate duly executed and officially signed, must be returned to the office whence it is issued within sixty days from the date of License, under penalty of forfeiture of the License.

②

82730

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 27 1901


ACTING CHAIRMAN

MARRIAGE CERTIFICATE

Mr. Ellis M. Kidd

TO

Miss Lydia Berry



Recorded, Book "B" Page 324

Returned and filed this 237 day of

April, 1884 -190-

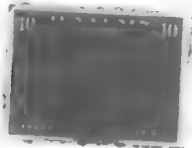
L. L. Foutney
Clerk

Certificate of Record.

STATE OF ARKANSAS.

County of Crawford. I E. D. Cochran
 is a true copy of a
 Clerk of the County Court of said County, certify that the above license for
 together with the endorsements thereon
 and certificate of the Marriage of Mr. Ellis M. Kield and
 Miss Lydia Berry and the same was filed in my office on the
23rd day of April 1884, and the same is duly recorded on page
324 of Book "B" of Marriage Records.

WITNESS my hand and the seal of said Court this 10th day of



Seal here

June 1901
E. D. Cochran
 Clerk.

By G. L. G.

MARRIAGE CERTIFICATE

Mr. Ellis M. Kield

TO

Miss Lydia Berry



Recorded, Book "B" Page 324

Returned and filed this 23rd day of

April 1884
G. L. G.
 Clerk.

30730

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 F. E. B. D.
 JUN 27 1901
 ACTING COMMISSIONER

MARRIAGE LICENSE



STATE OF ARKANSAS,

County of Crawford

To any Person Authorized by Law to Solemnize Marriage Greeting:

You are hereby commanded to solemnize the rite and publish the bans of Matrimony between Mr. Ellis W. Kidd of Crawford and State of Arkansas aged 23 years, and Miss Lydia Berry of Crawford and State of Arkansas aged 16 years, according to law; and do you officially sign and return this license to the parties herein named.

Witness my hand and official seal this

23rd day of April 1884

L. C. Southmayd

Clerk of the Circuit Court, Crawford County, Ark.

By Geo. F. Burrow

D.C.

((CERTIFICATE OF MARRIAGE.))

I, Allen Bobo, of the State of Arkansas, County of Crawford, do hereby certify, that on the 23rd day of April 1884, I did, duly and according to law, as commanded in the foregoing license, solemnize the rite and publish the bans of Matrimony between the parties therein named.

Witness my hand, this 23rd day of April 1884

My credentials are recorded in Recorder's Office,
County, Ark. Book Page

A. Bobo

NOTE: This license with the Certificate duly executed and officially signed, must be returned to the office whence it is issued, within sixty days from the date of License, under penalty of forfeiture of the License.

B

7.20.1900

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 13 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 13 1901
 Post Office Coffeyville Kas.
 District Co

1. Name Ellis Ratcliffe Age 37
 Owner's name _____ Citizenship _____
 Year 1890 Page 177 No 4343 District Can.

Parents:

Father _____ Citizenship _____
 Mother _____ Citizenship _____

2. Name of wife _____
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
 Mother _____ Citizenship _____

Names of Children:

21.	<u>Ervin Ratcliffe</u>	Year <u>1890</u>	Page <u>177</u>	No <u>4346</u>	Dist. <u>Cal.</u>	<u>13</u>
31.	<u>Oscar</u>	Year <u>"</u>	Page <u>177</u>	No <u>4344</u>	Dist. <u>"</u>	<u>18</u>
41.	Malinda	Year <u>"</u>	Page <u>177</u>	No <u>4344</u>	Dist. <u>"</u>	<u>18</u>
6.		Year _____	Page _____	No. _____	Dist. _____	
7.		Year _____	Page _____	No. _____	Dist. _____	
8.		Year _____	Page _____	No. _____	Dist. _____	
9.		Year _____	Page _____	No. _____	Dist. _____	
10.		Year _____	Page _____	No. _____	Dist. _____	
11.		Year _____	Page _____	No. _____	Dist. _____	
12.		Year _____	Page _____	No. _____	Dist. _____	

Application made by Ervin Stenographer Chas. von Wiese

1 On K.C. roll as Ellis Ratcliffe

2 " " " " Ervin

3 " " " " Oscar

4 ~~" " " " Malinda~~

Certificates of marriage to first and second
wives to be supplied

Represented by Mullett and Smith

X Ref. 10723

1275

MAR 19 1900

John H. ...
CHAIRMAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Ellis Bateliffe,

Coffeyville, Kans.

Cherokee-F-D-730.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 701

Trans. from Cher. F.D. 733

Cher. Fr. R. 701

Cherokee Nation,

Cooweescoowee District.

To any of the Judges or Clerks of this Nation, or any regularly ordained Minister of the Gospel to execute and return, Greeting:

You are hereby authorized and empowered to solemnize the rites of matrimony between Henry Sikes a citizen of the United States and Vina Rider a citizen of the Cherokee Nation, the aforesaid Henry Sikes having complied with the law regulating intermarriage of citizens of the United States with citizens of this Nation. See page 274, Art. 15 Sect. 66 to 75 revised codes.

In testimony whereof I witness my hand and seal on this the 2nd day of December, 1885. H. H. Trott,

Depty Clerk

Cooweescoowee Dist.

(SEAL)

Approved by

Wm. V. Carey,

Clerk Cooweescoowee Dist. or Vinita.
Cherokee Nation.

This certifies that Henry Sikes and Vina Rider were by me united in marriage at Vinita, Indian Territory according to the laws of the Cherokee Nation on the second day of December, 1885.

N.M. Wheat,

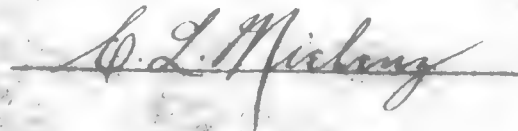
Pastor of Congl.

Church, Vinita, I.T.

Department of the Interior,
Commission to the Five Civilized Tribes.

Muskogee, I. T. July, 22, 1902.

I, C.L. Mielenz, a stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of Henry Sykes as a Cherokee Freedman.



Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 13, 1901.

In the matter of the application of Henry Sykes for enrollment
as a Cherokee Freedman by intermarriage.

Henry Sykes, being duly sworn and examined by Commissioner
Needles, testified as follows:

- Q What is your name? A Henry Sykes.
Q How old are you? A 47 years old.
Q What is your post office address? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A No, sir,
intermarried man.
Q You are a non citizen yourself? A Yes, sir.
Q What is your wife's name? A Viney Sykes.
Q You want to enroll anybody besides yourself? A My children has
already been enrolled.
Q Is your wife listed for enrollment? A She is dead.
Q She was a Cherokee Freedman? A Yes, sir.
Q Your wife's name on the roll of 1880? A I don't know whether it
is or not.
Q What was your wife's father's name? A Jonas Ragsdale.
Q What is her mother's name? A Don't know her mother's name,
but her mother she is dead.
Q You don't know what her name was? A No, sir.
Q Have you any certificate of marriage? A Yes, sir.
Q Lets look at it. A (Hands Commissioner paper.)
Commissioner: Applicant presents a duly authenticated
marriage license and marriage certificate as issued by the
authorities of the Cherokee Nation, certifying that he was
married to one Viney Rider, —
A She had been married before I married her.
— at Vinita, according to the laws of the Cherokee Nation
on the 2nd day of December, 1885.
Mr. Davenport, Cherokee attorney: The representatives
of the Cherokee Nation object to the introduction and consid-
eration of the marriage certificate and marriage license which
purports to have been issued, for the reason that there is no
law upon the statute books of the Cherokee Nation authorizing
the adoption of one person by an adopted citizen of the Nation,
or authorizing the solemnizing of marriages between a colored
citizen of the Cherokee Nation and a freedman or colored
person of the United States, so as to give them any property
rights.
Commissioner: This license is signed by H. H. Trot,
deputy clerk, under the seal of the Cherokee Nation, approved
by William V. Carey, Clerk of Cooweescoowee district.
Q Now were you ever married before you married Viney Rider?
A No, sir.
Q Is Viney Rider living? A No, sir, she is dead.
Q Did she live with you continuously until the date of her death?
A Yes, sir.
Q Was Viney Rider ever married before she married you? A Yes, sir.
Q Who to? A Andy Rider.
Q Was Andy Rider living when she married you? A Yes, sir.
Q Was Viney and him ever divorced? A I suppose so, I don't
know whether they were or not.
Q No proof of divorce? A No, sir.
Q You don't know whether they were divorced or not? A I don't.
Q Is your wife Viney living? A No, sir, she is dead.
Q Have you married since? A No, sir.
Q You are still single? A Yes, sir.

Henry Sykes - 2.

- Q When did Viney die? A I don't know just what year.
Q About how many years ago? A About ten years ago I guess.
Q Have you any children by her? A One.
Q Has that been enrolled? A Yes, sir, Della Sykes; I guess my wife's aunt enrolled her last week, she raised her.
Q What proof have you got of the citizenship of Viney Rider?
A All of her family is recognized citizens.
Q Is she on the roll of 1880? A I don't know whether she is or not, she ought to be if she is not.
Q Her maiden name was Ragsdale, was it? A Yes, sir.
Q Was Jonas Ragsdale the father of your wife? A Yes, sir.
Q Did your wife have any brothers or sisters? A Had one sister.
Q What is her name? A Sophia Ragsdale.
Q Do you know Anarchy? A That is Jonas' wife, but not my wife's mother though.
Q You don't know who your wife's mother was then? A No, sir, she died before I knew my wife.
Q Do you know whether Jonas Ragsdale and your wife's mother were ever married? A I suppose they were, I don't know anything about it; she is a relation of Frank Ross.
Q Did she ever go by any other name besides Melvina? A No, sir. The 1880 authenticated roll of Cherokee Freedmen examined and the applicant's wife not identified thereon.
Q Did you draw money for your wife? A No, sir; she might have drawn money before I married her.
Q When did she die, what year? A I don't know, about ten years ago.
Q Your wife never was known as Frye, was she? A Not as I know of.
Q Did your wife ever have any children before you married her?
A One.
Q What was its name? A Morris Rider I suppose.

Harry Still, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q Your name is what? A Harry Still.
Q Your post office Hayden? A Yes, sir.
Q You are on the roll of 1880 as a Cherokee Freedman? A Yes, sir.
Q Now what do you know about this wife of Henry Sykes? A Well sir, the first time I saw her she was a girl eight or ten years old, she lived on Lightning Creek here till she married Andy Rider. When her and Andy Rider separated they were living at my house, I went to Claremore with her when she went to get a divorce, I know she was divorced from him, and sometime after that this man married her, Mr. Sykes. She belonged to the Ross family, Frank Ross is her uncle, I have known her ever since she was a little girl.
Q What was her father's name? A Jonas Ragsdale.
Q Do you know her mother's name? A I don't know her mother's name, I know her father all right.
Q Did you ever know her mother at all? A No, sir.
Q You don't know whether her mother was a slave or a free woman?
A No, sir, I know her father, Jonas Ragsdale, very well; she had a sister named Sophia.
Q Jonas Ragsdale was a citizen? A Yes, sir.
Q You know Viney? A Yes, sir.
Q Was Viney a full blooded negro? A Well, she wasn't a full blooded negro, I calls her a mollygaster, sorter of a mulatto negro, she wasn't black but she wasn't fair skinned.
Q But she had the appearance probably that her mother might have been a white woman? A No, sir, her mother wasn't a white woman; she was a good looking brown skinned woman I would call her, light

Henry Sykes - 3.

brown skinned woman.

Q You think she had any white in her? A No, sir, didn't, if it was anything it was indian.

Q But you know nothing at all about her mother? A No, sir.

Amy Bean, being duly sworn and examined by Commissioner Needles, testified as follows

Q What is your name? A Amy Bean.

Q How old are you? A 43.

Q You are on the 1880 roll as a Cherokee Freedman? A Yes, sir.

Q You know Henry Sykes? A Yes, sir.

Q Do you know his wife Viney? A Yes, sir.

Q Now tell us all you know about Viney? A Well I knew her mother.

Q You knew her mother? A Yes, sir.

Q What was her mother's name? A Agnes Ross.

Q Was her mother a Cherokee Freedman? A Yes, sir.

Q Who was her mother's father? A William Ludy; William Ross, sometimes called by the name of William Ludy.

Q Who was her mother? A Judy Ross.

Q Was Agnes Ross a slave? A Yes, sir.

Q Do you know whether she was taken out of the Cherokee Nation during the war? A Yes, sir.

Q Where to? A Kansas.

Q When did she return, do you know? A Yes, sir, in '66.

Q Did you see her here in '66? A Yes, sir.

Q Now that was the mother of Viney? A Yes, sir.

Q Where was Viney born? A I don't know exactly where Viney was born, I saw her when she was a baby, I think she was born on Pryor Creek, I am not certain.

Q Do you know Viney's father? A Yes, sir.

Q Who was he? A Jonas Ragsdale.

Q Do you know whether Jonas Ragsdale and Agnes Ross were ever married or not? A No, sir, I don't know whether they were married before the war, but they were living together when I remember, they went out from here man and wife when they left the Nation.

Q Was Viney born before or after the war? A I don't know exactly, she must have been born after the war, they didn't take her away from here a baby; I don't know exactly where she was born.

Q William and Judy Ross both dead? A Yes, sir.

Q Agnes Ross is dead too, is she? A Yes, sir.

Mr. J.S. Davenport, Cherokee attorney: You know when Agnes Ross died? A Yes, sir.

Q How long ago? A She died about '67.

Q How old is Viney? A I don't know how old exactly Viney is, I think she is nearabout 25, I don't know exactly.

Q You think Viney is about 25? A Yes, sir.

Q Agnes is Viney's mother? A Yes, sir.

Commissioner: Henry Sykes applies for the enrollment of himself as an intermarried citizen. He makes satisfactory proof of having been married according to the laws of the Cherokee Nation to one Viney Rider. He avers that the said Viney Rider was formerly married to one Andy Rider, and that a divorce was procured.

Applicant: I would like to have the testimony of Malinda Warren took in with mine; she enrolled my child, Bella Sykes.

Q What relation has Malinda got to this case? A She is my wife's aunt, and she raised my child after my wife died.

Q She enrolled the child? A Yes, sir.

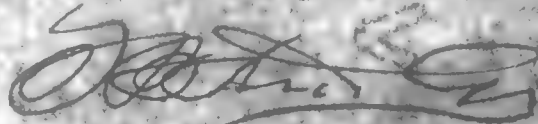
Henry Sykes - 4.

Commissioner: He presents oral testimony as to a divorce. Afterwards, he was married to said Vinay Rider. The name of Vinay Rider cannot be identified upon any of the rolls of the Cherokee Nation. It is averred that she is the daughter of Jonas Ragsdale, and Jonas Ragsdale's name is found upon the authenticated roll of 1880, and the testimony goes to show that Vinay Sykes, nee Rider, was the child of Agnes Ross, and that Agnes Ross was a slave and the property of William Ross and Judy. Said Henry Sykes will now be listed for enrollment as a Cherokee Freedman ~~xxxx~~ by intermarriage upon a doubtful card. When the Commission arrives at a decision in this case, he will be notified by mail.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above cases, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this 22nd of June, 1901.



Commissioner.

COPY.

Cherokee Treaties
5-21 20 21.

Muskogee, Indian Territory, January 24, 1905.

Esq., Hastings & Jansenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of
the Commission to the Five Civilized Tribes, dated January 12, 1905,
subjecting the applications for the enrollment of, William J. Sells,
Henry Thomas, Ella Vann, Mary Harrison, Frances Helton, John Deaton,
Mary Jane Vann, Thomas Love, Ella Hayfield, Nellie Rider, Nathan
Campbell, Van Jackson Brider, Cammie Middleton, Mary Harlin, Willie
Fields, John Kimes, William B. Madson, Fane Dean, Albert T. Thomas,
Mary Campbell, Christine Jenkins, Melvin Alberty, Jess Morris,
Alexander Claggett, Emma Martin, Eliza Martin, John E. Barnes,
Ella Sells, Samuel Brown, Howell E. Watson, Jack McCreath, Marie
Kenley, George Reed, Sr., Sam Leake, Nell Thompson, Lewis Scott,
Joe Scott, Emma Hampton, Thomas E. Allen, Laura Winstford, John
T. Bowlin, Katie Davis, Charles Williams, John S. Goss, Jane
Martin, Lena Peterson, Alice Johnson, Martha Vann, John Scott, Jerry
Sage, Charles C. Smith, Frank Sellers, William Rogers, Marie
Johnson, Alfred F. Hopkins, Marie Tate, Fannie Leamy, Lucy

Chouteau, Alice Durant, Mahaley Ward, Fred J. Thomas, Bettie Bank,
 Ella Warren, Millie Robinson, Mary Webber, Frances Martin, Mary
 Riley, Emanuel Taylor, Henry Dykes, Larkin P. Powell, Stephen Jann,
 Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers,
 George Washington Lane, Jane Brown, Samuel L. Young, John Buckner,
 Willie Cox, Leonard Bowles, Malinda Harrell, Charles Ulaggett,
 Samuel Irven, Mary Ross, Maggie New, Netma Nava, Ella Ross,
 Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Ulaggett,
 Hattie Smith, Jack Jackson, Lula Sanders, George Hamblig, Linda
 Vest, Maria French, Mary Johnson, Maggie Vann, William Hudson,
 Sarah Rogers, Abraham Ballard, Laura David, John Jackson, James
 E. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Hairs,
 George Adams, Annie Thomas, Lovie McConnelly, Callie Vann, Lou
 Peters, Ida Adair, Robert Brown, Alida Summers, Lora Jones,
 Alina Guster, Katie Adair, Carrie Martin, Margaret Clark, Emily
 Looney, John Groves, Matilda McHair, Nettie Vann, Nelson Lett,
 Fannie Rogers, William Washington, Squire Warren Scott, Fannie
 Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McQuinn,
 Henderson Jones, Belle Vann, David Street, John Guster, Mary
 Thompson, Eliza Sheppard and Lula Holton, as Cherokee citizens
 by intermarriage.

The decision, together with the record of proceedings
 had in the case, has this day been transmitted to the Secretary
 of the Interior for his review and decision. The action of the

Secretary will be under orders to put us down as the Champion in
the case of the case.

Respectfully,

SIGNED: *Tams Bixby.*

Chas. Bixby.

Encl. N.Y.

COPY

Cherokee Freedman
D-733.

Muskogee, Indian Territory, January 24, 1906.

Henry Sykes,

Vinita, Indian Territory

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: *Tame Dixby*
Chairman

Encl. L-78.

Registrar.

COPY.

Cherokee Tradition
2-14-1884

Puskogee, Indian Territory, January 24, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Martin, Frances Melton, John Jensen, Mary Jane Vann, Thomas Laws, Ella Hayfield, Nellie Rider, Reuben Campbell, Van Jackson Luther, Cassie Millett, Mary Martin, Nellie Fields, John Kinbo, William S. Thomas, Sam Bean, Albert T. Thomas, Mary Campbell, Caroline Smith, William Alberty, Jack Morris, Alexander Otaggett, Susan Martin, Ella Martin, John F. Barnes, Bell Davis, Samuel Brown, Edward F. Watson, Jack McConnell, Maude Hasky, George Reed, Sr., Jack Linton, Bell Thompson, Louis Scott, Joe Scott, Kemmer Hampton, Thomas E. Allen, Lewis Vanderford, John L. Bewin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Reed, Charles C. Smith, David Collier, William Shaggs, Susie Johnson, Alfred P. Hopkins, Maude Vann, Freddie Leachy, Lucy Chestnut, Alice Dorant, Emma West, Fred J. Thomas, Bessie Reed, Ella Warren, William Robinson, Mary Weber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin F. Powell, Stephen Dawn, Malinda Vann, Frances Johnson, Annie Baxter, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel I. Young, John Buckner, Willie Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Ewen, Mary Ross, Maggie Nave, Emma Nave, Ella Ross, Elizabeth Duncan, Jessie Adams, Georgeann Luther, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Kasmirig, Ida West, Maria French, Mary Johnson, Maggie Vann, William Kufner, George Rogers, Abraham Ballard, Laura David, John Solomon, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Harry Magir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ella Adair, Robert Brown, Alice Chambers, John James, Alice Galloway, Katie Adair, Carrie Martin, Benjamin Clark, Emily Locumy, John Green, Matilda McFarr, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Goss, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Nellie Vann, Levi Howard, John Hunter, Martha Thompson, Ellen Sheppard and Lela Nelson, as Charles witnesses by intermarriage, including the Commission's decision dated January 30, 1905, rejecting said applications.

Respectfully,

SIGNED. *Tame Dixby*

Incl. F-9.
Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

Refer in reply
to the following:
Land.
7908-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by inter-marriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Hixson, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Nellie Rider, Nathan Campbell, Vann Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinke, William S. Hadden, Jane Moss, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvin Albert, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John B. Barnes, Nell Davis, Samuel Brown, Howard P. Watson, Jack McConnell, Mamie Hamley, George Reed, Sr., Buck Ledman, Nell Thompson, Lewis Scott, Abe Scott, Kinder Lupton, Thomas H. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Reed, Charles C. Smith, Susie Gilbert, William Skaggs, Annie Johnson, Alfred P. Hopkins, Kinzie Vann, Freddie Leoney, Lucy Shouten,

Alice Durant, Mahaley Ward, Fred D. Thomas, Nettie Beck, Ellis Warren, Millie Robinson, Mary Weber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepheny Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Beckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie News, Emma News, Ella News, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Nettie Smith, Jack Jackson, Lula Sanders, George Haselrig, Linnie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Louis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Mair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Solinsky, Susan Daniels, Anderson Turk, David Lane, Felix McGinnis, Henderson Jones, Belle Vann, Levi Stroud, John Sauter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the

-3-

Cherokee Nation or by any United States Tribunal and that none is identified on the 1866 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5043-1904) in the Lemuel Watson case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

G. F. Loryman

Acting Commissioner.

H.N.M.
V.

D. C. 20877-1905.
I.T., D. 2904-1905

(C O P Y)

W.C.V.
F. H. E.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L R S

April 17, 1905

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Holton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Ramon Campbell, Van Jackson, Luther, Cassie Middleton, Mary Martin, Nellie Fielder, John Hester, William S. Holton, Jane Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melyna Alberty, Ray C. Morris, Alexander Giggott, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard P. Watson, Jack McConnell, Mauda Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Gantt, Kender Lupton, Thomas E. Allen, Lewis Vanterford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Gilbert,
 William Skaggs, Gusie Johnson, Alfred P. Hopkins, Kizzie Vann,
 Freddie Leoney, Lucy Chouteau, Alice Purant, Mahaley Ward,
 Fred D. Thomas, Bettie Cook, Ellis Warren, Willie Robinson,
 Mary Webber, Frances Martin, Mary Riley, Samuel Taylor, Henry
 Sykes, Larkin P. Powell, Stepnay Dawn, Malinda Vann, Frances
 Johnson, Annie Foster, Mary K. Rogers, George Washington Lane,
 Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
 Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary
 Ross, Maggie Hays, Emma Hays, Ella Ross, Elizabeth Dumas,
 Sattie Adams, Georgeann Archer, John Claggett, Hattie Smith,
 Jack Jackson, Lula Sanders, George Hamsirig, Lizzie West,
 Maria French, Mary Johnson, Maggie Vann, William Hudson,
 Sarah Rogers, Abraham Ballard, Laura David, John Deakins,
 James D. Perry, Isaac Wilson, Lawson Logan, George Hovahl,
 Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
 Callie Vann, Le. Peters, Ida Adair, Robert Brown, Allie Chambers
 Irem Jones, Alice Senter, Katie Adair, Carrie Martin, Benjamin
 Clark, Emily Leoney, John Groves, Mattie McWair, Bettie Vann,
 Nelson Lett, Fannie Rogers, William Washington, Squire Warren
 Owsen, Fannie Goldsby, Susan Daniels, Anderson Park, David Lane,
 Felix McWain, Henderson Jones, Belle Vann, Levi Strand, John
 Senter, Mariah Thompson, Ellen Sheppard and Lula Holton.

-3-

Reporting in the matter March 21, 1908, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

1 inclosure.

(Signed)

THOS. H. VAN
Acting Secretary

COMMISSIONERS:

TAMM RILEY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE,

WM. O. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY TO THE FOLLOWING
Cherokee Freedmen

D-753.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 28, 1905.

Henry Sykes,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,



Chairman.

COPY.

Cherokee Proctor

B-14, et al.

Waskoge, Indian Territory, April 28, 1908

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Waskoge, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's
decision dated January 12, 1908, rejecting the applications
for the enrollment of William Davis, et al., as Cherokee
citizens by intermarriage, was affirmed by the Secretary of
the Interior on April 17, 1908.

Respectfully,

(SIGNED) *James Bixby*

Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 20, 1906.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED) *Jane Bixby*
Chairman.

Vol. 10. Pg. 1

Rec. 1st 1885

We the undersigned citizens of
the Cherokee Nation by ~~Hand~~
having been acquainted with
Hunt Sykes a citizen of the U.S. for
not less than six months do
recomend him as being worthy of
becoming a citizen of this Nation.

Names

Names.

Alex Chautau
R. Lounice
W. A. Smith
A. B. Nichol
A. J. Hambsin
H. J. Hamway

Fox Thompson
J. W. Foster
H. Hammon
Wm. H. Tarr

This Certifies that Henry
Sikes and Vera Rider were by
me united in marriage at Pinto
Indian Territory, according to the
laws of the ~~United States~~ on the
day of December 1885.

N. M. Wheat

Pastor of Cong.
Church, Pinto.

50.133

Cherokee Nation
Coursescowen wish

To any of the Judges or
Clerks of this Nation, or any
regularly ordained ministers of
the Gospel to execute ^{the} return.
Greeting

You are hereby authorized
to be sworn to solemnizing the
rites of matrimony between
Henry Sikes a citizen of the
United States & Julia Rider
a citizen of the Cherokee
Nation, the aforesaid Henry
Sikes having complied with
the law regulating intermarriage
of citizens of the United States
with citizens of this Nation.
See page 274. art 15. Sect.
66 to 75 revised Codes

In testimony whereof
I witness my hand & seal
on this the 2nd day of December
1885.

A. H. Pratt

Approved by

Wm. V. Carey

Chief Coursescowen

Cherokee Nation

Deputy Clerk

Coursescowen wish

Witness

NOTE:--"Decision regarding citizens of the United States intermarrying with colored women citizens of the Cherokee Nation made June 20, 1871."

"Tuesday Morning, June 20, 1871."

"Court convened—Present same as yesterday. The making out of report continued until the court announced the following decision regarding certain colored men who have married colored women of the nation, to-wit:"

"The Court of Commission after mature reflection feel authorized to decide against all cases before it wherein colored or black men are claiming citizenship from marrying black female citizens under the law 'Regulating Intermarriage with White Men,' as they are convinced a correct interpretation of said law will not authorize a clerk of any of the courts to issue a license to a black man to marry a black woman as it only alludes to, and was intended for white men and Cherokee women."

"The Court believes it is further sustained in the opinion that colored citizens, are such by adoption, and as such, cannot confer rights upon others, without further legislation upon the matter; therefore decides 'The following named persons are not entitled to Cherokee citizenship as claimed, to-wit:'"

"George Washington, Cooweescoowee District.

"Henry Johnson, Tahlequah "

"Lee Cooper, " "

"Henry Bird, " "

"William Madden, " "

"Alonzo Cullen, " "

"Solomon Foster, Illinois "

"William Hudson, " "

"Haywood Youngblood, Sequoyah District."

EXECUTIVE DEPARTMENT, CHEROKEE NATION.

TAHLEQUAH, I. T., June 22, 1901.

I, J. T. Parks, Executive Secretary of the Cherokee Nation, Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the decision of the Supreme Court of the Cherokee Nation sitting as a "Special Court of Commission" as found on pages 86 and 87 Record Book No. Five entitled "Minutes of Special Court of Commission," on file in this department.

Given under my hand and the Great Seal of the Cherokee Nation at Tahlequah, Indian Territory, on this the day and date above written.

J. T. Parks
Executive Secretary of Cherokee Nation.

B 50733

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 13 1901


ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date April 13, 1901

Post Office Vinita, Ok.

District 200

1. Name Henry Sykes

Age 47

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children

3.

4.

5.

6.

7.

8.

9.

10.

11.

12.

Application made by M. I.

Stenographer E. Jones

XRef 10, 5-87

410183

MAR 22 1902

[Signature]
RECEIVED

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Henry Sykes,
Vinita, I. T.
Cherokee-P-D-753.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,
Henry Thomas,
Ella Van,
Milly Markham,
Frances Melton,
John Dossan,
Mary Jane Van,
Thomas Lowe,
Ella Mayfield,
Sally Eder,
Reuben Campbell,
Wm Jackson Luther,
Cassie Middleton,
Mary Harlin,
Nella Fields,
John Elmo,
William S. Madden,
Jude Dean,
Albert T. Thomas,
Mary Campbell,
Caroline Daniels,
Melvin Atwater,
Dave Morris,
Alexander Chappell,
Aminda Martin,
Ella Martin,
John B. Barlow,
Ben Davis,
Samuel Brown,
Howard F. Watson,
Jack McCowan,
Maud Mundy,

Cherokee Freedmen D-174,
Cherokee Freedmen D-175,
Cherokee Freedmen D-176,
Cherokee Freedmen D-177,
Cherokee Freedmen D-178,
Cherokee Freedmen D-179,
Cherokee Freedmen D-180,
Cherokee Freedmen D-181,
Cherokee Freedmen D-182,
Cherokee Freedmen D-183,
Cherokee Freedmen D-184,
Cherokee Freedmen D-185,
Cherokee Freedmen D-186,
Cherokee Freedmen D-187,
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Cherokee Freedmen D-200,
Cherokee Freedmen D-201,
Cherokee Freedmen D-202,
Cherokee Freedmen D-203,
Cherokee Freedmen D-204,
Cherokee Freedmen D-205,
Cherokee Freedmen D-206,
Cherokee Freedmen D-207,
Cherokee Freedmen D-208,
Cherokee Freedmen D-209,
Cherokee Freedmen D-210,

George Reed, Sr.,
 Buck Ledman,
 Bell Thompson,
 Lewis Scott,
 Abe Scott,
 Kender Lampson,
 Thomas E. Allen,
 Lewis Vanderford,
 John L. Bowlin,
 Katie Davis,
 Charles Williams,
 John J. Rose,
 Jane Martin,
 Lena Peterson,
 Alex Johnson,
 Martha Vann,
 John Scott,
 Nancy Ross,
 Charles C. Smith,
 Susie Gilbert,
 William Skaggs,
 Susie Johnson,
 Alfred P. Hopkins,
 Kizzie Vann,
 Freddie Looney,
 Lucy Chontean,
 Alice Durant,
 Mahaley Ward,
 Fred D. Thomas,
 Bettie Beck,
 Ellis Warren,
 Millie Robinson,
 Mary Webber,
 Frances Martin,
 Mary Riley,
 Emanuel Taylor,
 Henry Sykes,
 Larkin P. Powell,
 Stephen Danna,
 Malinda Vann,
 Frances Johnson,
 Annie Roster,
 Mary H. Rogers,
 George Washington Long,
 Jane Brown,

Cherokee Freedmen D-382,
 Cherokee Freedmen D-406,
 Cherokee Freedmen D-411,
 Cherokee Freedmen D-420,
 Cherokee Freedmen D-421,
 Cherokee Freedmen D-422,
 Cherokee Freedmen D-424,
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 Cherokee Freedmen D-444,
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 Cherokee Freedmen D-729,
 Cherokee Freedmen D-741,
 Cherokee Freedmen D-742,
 Cherokee Freedmen D-744,
 Cherokee Freedmen D-752,
 Cherokee Freedmen D-756,
 Cherokee Freedmen D-760,

672 793

Samuel Lee Young,
John Bachner,
Wilke Chapman,
Leonard Boules,
Malinda Marshall,
Charles Claggett,
Samuel Irvon,
Mary Kees,
Maggie Nave,
Neoma Nave,
Ella Rose,
Elizabeth Duncan,
Sadie Adams,
George Ann Archer,
John Claggett,
Hattie Smith,
Jack Jackson,
Lula Sanders,
George Hanselrig,
Lutie West,
Maria French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Deakman,
James B. Perry,
James Welch,
Lawson Logan,
George Howell,
Henry Macin,
George Adams,
Annie Thomas,
Lewis McEannell,
Collie Vann,
Lou Peters,
Ida Adair,
Robert Brown,
Allie Chambers,
Jesse Jones,
Alice Ginter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D—764,
Cherokee Freedmen D—789,
Cherokee Freedmen D—791,
Cherokee Freedmen D—783,
Cherokee Freedmen D—788,
Cherokee Freedmen D—789,
Cherokee Freedmen D—798,
Cherokee Freedmen D—798,
Cherokee Freedmen D—808,
Cherokee Freedmen D—816,
Cherokee Freedmen D—840,
Cherokee Freedmen D—871,
Cherokee Freedmen D—880,
Cherokee Freedmen D—901,
Cherokee Freedmen D—912,
Cherokee Freedmen D—922,
Cherokee Freedmen D—928,
Cherokee Freedmen D—972,
Cherokee Freedmen D—983,
Cherokee Freedmen D—999,
Cherokee Freedmen D—1010,
Cherokee Freedmen D—1039,
Cherokee Freedmen D—1063,
Cherokee Freedmen D—1067,
Cherokee Freedmen D—1078,
Cherokee Freedmen D—1082,
Cherokee Freedmen D—1085,
Cherokee Freedmen D—1105,
Cherokee Freedmen R—89,
Cherokee Freedmen R—45,
Cherokee Freedmen R—48,
Cherokee Freedmen R—54,
Cherokee Freedmen R—72,
Cherokee Freedmen R—82,
Cherokee Freedmen R—85,
Cherokee Freedmen R—86,
Cherokee Freedmen R—94,
Cherokee Freedmen R—96,
Cherokee Freedmen R—99,
Cherokee Freedmen R—100,
Cherokee Freedmen R—102,
Cherokee Freedmen R—104,
Cherokee Freedmen R—104,
Cherokee Freedmen R—106,
Cherokee Freedmen R—107,

It appears from the record herein that applications for enrollment as Oklahoma citizens by intermarriage, were made to the Commissioner by William Davis for himself; by Daniel Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Burton Campbell for himself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, Cassie Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nettie Fields; by John Kimbo for himself; by William W. Waddor for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert F. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard T. Watson; by Jack McConnell for himself; by Minnie Meany for herself; by George Reed, Sr. for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for himself.

himself; by Kerker Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepmay Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George E. Nave for his wife, Maggie Nave; by Lewis Aramstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lela Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Cattie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ada Adair; by Jessie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Mudden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawu, Matilda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Maair, George Adams, Annie Thomas, Lewis McConnell, Calie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lulu Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED]	TAMS BIXBY, Chairman.
[SIGNED]	T. B. NEEDLES, Commissioner.
[SIGNED]	C. B. BRÉCKENRIDGE, Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

REGISTERED
MAR 23 1902
Vinita, Ind. Ter.



note
3/23/02

5.14
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~~RECEIVED~~
Henry Sykes,
Agent,
Indian Territory.

40001

Penalty for private use, \$300.

OFFICIAL BUSINESS.

MUSKOGEE, IND. TER.

Department of the Interior.
Commission to the Five Civilized Tribes.



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Henry Sykes,
Vinita, Indian Territory.

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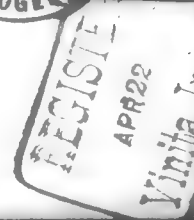
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



REGISTERED
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Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Return to Writer.
UNCLAIMED.

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Henry Sykes,

Vinita, Indian Territory.

MAR 3 1905

MAR 3 1905



REGISTERED
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Department of the Interior.
Commission to the Five Civilised Tribes,
MUSKOGEE, IND. TER.



Return to Writer.
UNCLAIMED

Henry Sikes

WINTON, INDIAN TERRITORY

Cher. Fr. R. 702

Trans. from Cher F. D. 735

Cher. Fr. R. 702

Q

50735

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 13 1901



ACTING COMMISSIONER

50735

License is this December 17th/ 1891 issued to L.P. Powell a citizen of the United States to marry Mrs. Sarah Ross a citizen of the Cherokee Nation.

Petition signed by

Ru s Henderson, Charles Harris, James Elkhair, Beffers Zane, Mary Delaware, Mrs. Elkhair, Jno. McCarten, Charley Harris, George Washington and Susan Secondine.

This marriage ceremony was performed by Rev. Joseph Smith, minister of the Gospel on December 19th. 1891.

Recorded on this Feby. 15th .

1892.

H.H.Trott

Clerk Cooweescoowee District, C.N.

Hy Drew, Depty.

Executive Department, Cherokee Nation.

Tahlequah, I.T., June 10, 1901.

I hereby certify that the above and foregoing is a true and correct copy from the records of Marriage of Cooweescoowee District, Cherokee Nation , page 103, which records are now on file in this office.

J. T. Parks
Executive Secretary

8
B 12 135

Larkin P. Powell - 2.

There was married before his marriage to her to one Sam Ross, who is now living. He avers that they were separated, and has no knowledge as to whether a divorce was obtained or not. The name of his wife is only listed for enrollment on B card 475. Applicant makes satisfactory proof as to residence, consequently, Larkin P. Powell will be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card.

Mr. Davenport, Cherokee Attorney: Let the record show a protest of the consideration of the marriage license when the ground that there is no law was at the time, thus, obtaining the marriage of one adopted to another so as to give them any property rights.

Mr. Davenport: You live in Coffeyville now? A No, sir.
Q How long since you lived there? A Never did live there.

Ernest G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes taken.



Sworn to and subscribed before me this 21st day of June, 1901.



Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 15, 1901.

In the matter of the application of Larkin P. Powell for enrollment as a Cherokee Freedman by intermarriage.

Larkin P. Powell, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Larkin P. Powell.
Q How old are you? A 30.
Q What is your post office address? A Coffeyville, Kansas.
Q What district do you live in? A Osweascoowa.
Q Are you a citizen of the Cherokee Nation, recognized? A No, sir.
Q You apply to be enrolled as a Cherokee citizen by intermarriage, I understand? A Yes, sir.
Q What is your wife's name? A Emma Powell.
Q What was her name before you married her? A Ross.
Q Were you ever married before you married Emma Ross? A Yes, sir.
Q Were you divorced from your former wife? A No, sir, she died.
Q Was she dead before you married Emma? A Yes, sir.
Q Was Emma ever married before she married you? A Yes, sir.
Q Was her husband living at the time she married you? A Yes, sir, he was living.
Q Were they divorced? A I don't know about that, she was a single woman when I got acquainted with her, she didn't have any man.
Q She had had a man before? A Yes, sir.
Q What was his name? A Lewis Ross.
Q Is Lewis Ross still living? A Yes, sir.
Q You have got no proof as to whether Emma and Lewis were ever divorced or not, have you? A No, sir.
Q Has your wife been enrolled? A Yes, sir.
Q As Emma Powell? A Yes, sir.
Q This certificate that you present certifies that a license was issued to L. P. Powell and to marry Mrs. Sarah Ross? A They got the name wrong then, I didn't give it in that way.
Q You married Emma, did you? A Yes, sir.
Q Was that the woman this license was intended for? A Yes, sir.
Q Did Emma ever have any sister named Sarah? A Not as I know of.
Q Did you know any Sarah Ross when you got this license? A Yes, belonged to old Man Jack, enrolled the other day.
Q She was a widow? A Yes, sir, she was married.
Q And you say you gave in the name Emma Ross for this license? A Yes, sir.
Q And the mistake was made by the clerk? A By the clerk.
Q And you married her under that license? A Yes, sir.
Q Living with her now? A Yes, sir.
Q Got children by her? A Yes, sir.
Q She and your children have been listed for enrollment? A Yes, sir, all but me.

Commissioner: Applicant aplies for the enrollment of himself as an intermarried freedman. He presents satisfactory proof, under the seal of the Cherokee Nation, that a license was issued to him on December 17, 1891, to marry Mrs. Sarah Ross, and the marriage ceremony was performed on the 18th of July, 1891, said license being issued according to the laws of the Cherokee Nation. He avers that the name Sarah in said license and certificate should have been Emma, and that the mistake was the mistake of the clerk in writing it Sarah, and that Emma Ross was the woman he married under this license, and that he has lived with her continuously from the time of the marriage up to the present time. He avers that his wife

Larkin P. Powell - 2.

Emma was married before his marriage to her to one Lem Ross, who is now living. He avers that they were separated, and has no knowledge as to whether a divorce was obtained or not. The name of his wife Emma Powell is duly listed for enrollment on D card 475. Applicant makes satisfactory proof as to residence, consequently, Larkin P. Powell will be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card.

Mr. Davenport, Cherokee Attorney: Let the record show a protest of the consideration of the marriage license upon the grounds that there is no law and was no law at the time, authorizing the marriage of one adopted to another so as to give them any property rights.

Mr. Davenport: You live in Coffeyville now? A No, sir.
Q How long since you lived there? A Never did live there.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 24th of June, 1901.

[Signature]

Commissioner.

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
.....day of.....A. D. 1901.

Given under my hand this.....
day.....A. D. 1901.

.....
Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
.....day of....., 1901.

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to.....

.....
on the.....day of.....A. D. 1901

.....
Subscribed and sworn to before me
this.....day of.....A. D. 1901.

NOTICE!

IN THE MATTER OF The application of Jarkin P. Powell
for enrollment as a Cherokee Freedman:

Case No. F. D. **735**

To Jarkin P. Powell Coffeyville Kan.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of **For Gibson, I. T.** Indian Territory, on the following dates, to-wit: Sept. 29th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 14 day of 1901.

L B Bell
M. W. Hastings
J. A. Sampson
Attorneys for the Cherokee Nation.

COPY

Cherokee Freedman
D-735

Muskogee, Indian Territory, January 24, 1905.

Larkin P. Powell,
Coffeyville, Kansas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) *Tams Dixby*
Chairman

Encl. 1-79.

Register

COPY.

Cherokee Freedmen
J-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of
the Commission to the Five Civilized Tribes, dated January 19, 1905,
rejecting the applications for the enrollment of, William Davis,
Henry Thomas, Ella Vann, Mary Hartman, Frances Helton, John Detson,
Mary Jane Vann, Thomas Love, Ella Haystack, Nellie Rider, Reuben
Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie
Fields, John Kinke, William S. Bussan, Sam Bear, Albert T. Thomas,
Mary Campbell, Caroline Jenkins, Melvina Liberty, Jane Morris,
Alexander Chaggett, Amanda Martin, Ella Martin, John S. Barnes,
Bill Davis, Samuel Brown, Edward F. Watson, Jack McConnell, Hamie
Hagley, George Reed, Sr., Jack Leppert, Hall Thompson, Maria Scott,
Abe Scott, Kender Hampton, Thomas E. Allen, Lewis Vanderford, John
I. Rowlin, Katie Davis, Charles Williams, John J. Ross, Jane
Martin, Louisa Patterson, Alice Johnson, Martha Vann, John Scott, Nancy
Reed, Charles C. Smith, Sesta Chisner, William Shaggy, Sule
Johnson, Alfred F. Hopkins, Minnie Vann, Frenchie Lerway, Lucy

Chouteau, Alice Durant, Michael Ward, Fred J. Thomas, Bettie Beck,
 Ellis Warren, Millie Robinson, Mary Foster, Frances Martin, Mary
 Riley, Emanuel Taylor, Henry Sykes, Leslie P. Powell, Stephen Lee,
 Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers,
 George Washington Lamb, Sam Brath, Samuel E. Young, John Buckner,
 Willie Cox, Leonard Bonke, Malinda Marshall, Charles Claggett,
 Samuel Irwin, Mary Ross, Maggie Ross, Emma Ross, Ella Ross,
 Elizabeth Hansen, Edie Allen, Georgeann Baker, John Claggett,
 Hattie Smith, Jack Jackson, Edie Sanders, George Hambrick, Lillie
 West, Maria French, Mary Johnson, Maggie Ross, William Nelson,
 Sarah Rogers, Abraham Ballard, Sarah Davis, John Jackson, James
 E. Perry, Isaac Polk, Lawrence Logan, George McCall, Henry Masie,
 George Adams, Annie Thomas, Lillie McConnell, Ollie Vann, Lee
 Peters, Ida Blair, Robert Brown, Alice Chambers, Jane Jones,
 Allen Carter, Katie Blair, Carrie Martin, Margaret Clark, Emily
 Brown, John Brown, Martha Blair, Bettie Vann, Nelson Lee,
 Fannie Rogers, William Washington, Sarah Warren Davis, Fannie
 Goldsby, Susan Jantala, Anderson Park, David Ross, Felix McCall,
 Henderson Jones, Belle Vann, Levi Street, John Carter, Martha
 Thompson, Ellen Sheppard and Lela Nelson, as witnesses cited
 by intermarriage.

The petition, together with the record of proceedings
 had in the case, has this day been transmitted to the Secretary
 of the Interior for his review and decision. The action of the

Secretary will be made known to you as soon as the Commission is
informed of the same.

Respectfully,

SIGNED, *James Bixby.*

Enc. K-9.

OPY.

Churches Preserved
2-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Deven, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Bessie Rider, Reuben Campbell, Van Jackson Luther, Cassie Hilditch, Mary Markham, Nellie Fields, John Kinbo, William S. Madden, Sam Bean, Albert P. Thomas, Mary Campbell, Caroline Daniels, Helvina Alberty, Dave Morris, Alexander Claggett, Amelia Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Wilson, Jack McConnell, Hattie Hanley, George Reed, Gr. Mack Latham, Nell Thompson, David Scott, Ben Scott, Robert Langston, Thomas E. Allen, Isaac Vandewater, John L. Bowlin, Katie Davis, Charles Williams, John F. Rice, Jane Martin, Isaac Peterman, Alan Johnson, Herman Vann, John Scott, Nancy Rice, Charles C. Smith, Annie G. Scott, William Stagg, Susie Johnson, Alfred P. Perkins, Elsie Vann, Freddie Lacey, Mary Cheateau, Alice Brown, Mahaley Ford, Fred S. Thomas, Bettie Beck, Ella Warren, Willie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Stokes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Hester, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel I. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary Hess, Maggie Hays, Emma Hays, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haskins, Lizzie Vest, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Jackson, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Emily Kair, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Blair, Robert Brown, Allie Chambers, Leon Jones, Alice Carter, Katie Blair, Carrie Martin, Benjamin Clark, Emily Leckey, John Groves, Matilda McFair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Davis, Fannie Goldsby, Susan Daniels, Anderson Turk, David Hane, Felix McClain, Henderson Jones, Belle Vann, Levi Steward, John Slaughter, Harlan Thompson, Ellen Sheppard and Ella Nelson, as Cherokee citizens by intermarriage, including the Commission's decision dated January 18, 1905, rejecting said applications.

Respectfully,

SIGNED: *Tame Bixby.*

Chairman.

Incl. K-8.
Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1906.

Refer in reply
to the following:
Lead.
7904-1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1906, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Betson, Mary Jane Vann, Thomas Love, Ella Mayfield, Nellie Rider, Newton Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinke, William S. Hadden, Jane Hearn, Albert T. Thomas, Mary Campbell, Caroline Daniels, Malvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maudie Hamley, George Reed, Sr., Jack Ketchum, Bell Thompson, Lewis Scott, Abe Scott, Kender Lupton, Thomas E. Allen, Louis Vanderford, John L. Dowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Essie Gilbert, William Hagggs, Beale Johnson, Alfred P. Hopkins, Elsie Vann, Freddie Leoney, Lucy Chesteen,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Book, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Hykes, Larkin P. Powell, Stepmay Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Beckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Hare, Neema Hare, Ella Ross, Elisabeth Dunsen, Sadie Adams, Georgeann Archer, John Claggett, Nettie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Marie French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gwenter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leary, John Groves, Matilda McVair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Steward, John Supter, Mariah Thompson, Eliza Sheppard, and Lula Melton.

January 19, 1908, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that

none is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. O. D. 3443-1904) in the Hargrave Volume case, the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

G. F. Larrison

Acting Commissioner.

M.M.H.

V.

DEPARTMENT OF THE INTERIOR,

W.F.

WASHINGTON,

W.F.

D. C. 20677-1908.
I. F. D. 2904-1908.

April 17, 1908.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Dear Sir:

January 24, 1908, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1908, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Van, Mary Marham, Frances Holton, John Nelson, Mary Jane Van, Thomas Lowe, Ella Mayfield, Sallie Rider, Houben Campbell, Van Jackson, Luther, Cassie Middleton, Mary Marlin, Nellie Fields, John Kinke, William E. Hadden, Jane Boone, Albert F. Thomas, Mary Campbell, Caroline Remick, Malvina Alberty, Dave Morris, Alexander Claggett, Augusta Martin, Eliza Martin, John E. Barnett, Bill Davis, Samuel Brown, Howard F. Watson, Jack McDonald, Wade Masley, George Reed, Jr., Buck Loftis, Bell Thompson, Louis Scott, Abe Scott, Kander Langton, Thomas E. Allen, Louis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Van,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert,
William Skaggs, Susie Johnson, Alfred P. Hopkins, Kimmie Vann,
Freddie Leoney, Lucy Cheuteau, Alice Durant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
Sykes, Larkin P. Powell, Stephen Damm, Malinda Vann, Frances
Johnson, Annie Foster, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary
Ross, Maggie Hays, Emma Hays, Ella Ross, Elisabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith,
Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Deckman,
James B. Perry, Isaac Welch, Lawson Logan, George Howe II,
Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers,
Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin
Clark, Billy Leoney, John Greves, Matilda McHair, Bettie Vann,
Helen Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Eunice Gelsby, Susan Daniels, Anderson Turk, David Lane,
Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John
Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

-3-

Reporting in the matter March 21, 1905, the Indian
Office recommends that your decision be approved. A copy of
its letter is inclosed.

The Department concurs in said recommendation, and
your decision is hereby affirmed.

Respectfully,

(Signed) Theo Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedman

D-735.

Muskogee, Indian Territory, April 28, 1906.

Larkin P. Powell,
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated January 29, 1906, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

SIGNED

Tamr Bixby

Chairman

COPY.

Cherokee + Freedmen

B-14, et al.

Washoe, Indian Territory, April 22, 1908

Hall, Hastings & Newberry;

Attorneys for the Cherokee Nation,

Washoe, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1908, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

(SIGNED) *Tamie Dixie*
Chairman.

COPY.

Cherokee Freedmen

B-14, et al.

Muskogee, Indian Territory, April 23, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED. *Tams Birby*
Chairman.

10

50935

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 25 1901

 ACTING CHAIRMAN

NOTE:—“Decision regarding colored citizens of the United States intermarrying with colored women citizens of the Cherokee Nation made June 20, 1871.”

“Tuesday Morning, June 20, 1871.”

“Court convened—Present same as yesterday. The making out of report continued until the court announced the following decision regarding certain colored men who have married colored women of the nation, to-wit:”

“The Court of Commission after mature reflection feel authorized to decide against all cases before it wherein colored or black men are claiming citizenship from marrying black female citizens under the law ‘Regulating Intermarriage with White Men,’ as they are convinced a correct interpretation of said law will not authorize a clerk of any of the courts to issue a license to a black man to marry a black woman as it only alludes to, and was intended for white men and Cherokee women.”

“The Court believes it is further sustained in the opinion that colored citizens, are such by adoption, and as such, cannot confer rights upon others, without further legislation upon the matter; therefore decides ‘The following named persons are not entitled to Cherokee citizenship as claimed, to-wit:’”

“George Washington, Cooweescoowee District.

“Henry Johnson, Tahlequah “

“Lee Cooper, “

“Henry Bird, “

“William Madden, “

“Alonzo Cullen, “

“Solomon Foster, Illinois “

“William Hudson, “

“Haywood Youngblood, Sequoyah District.”

EXECUTIVE DEPARTMENT, CHEROKEE NATION.

TAHLEQUAH, I. T., June 22, 1901.

I, J. T. Parks, Executive Secretary of the Cherokee Nation, Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the decision of the Supreme Court of the Cherokee Nation sitting as a “Special Court of Commission” as found on pages 86 and 87 Record Book No. Five entitled “Minutes of Special Court of Commission,” on file in this department.

Given under my hand and the Great Seal of the Cherokee Nation at Tahlequah, Indian Territory, on this the day and date above written.

J. T. Parks
Executive Secretary of Cherokee Nation.

B

510735

TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 13 1901



Acting Chief

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 13, 1961

Post Office Coffeyville, Kas.

District Cor.

1. Name Larkin P. Powell Age 56

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

2. Name of wife Countess

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by M. I. Stenographer R. B. Jones

X Ref. 0475

410955

MAR 20 1902

1954年11月11日

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Dr. Nathan P. Powell,
Coffeyville, Kans.,

Cherokee-Ind-735.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Department of the Interior

Commission to the Five Civilized Tribes

William Davis	Cherokee Freedmen D-124
Henry Thomas	Cherokee Freedmen D-125
Edna Vane	Cherokee Freedmen D-126
Mary Martin	Cherokee Freedmen D-127
Frederick Mercer	Cherokee Freedmen D-128
John Dotson	Cherokee Freedmen D-129
Mary Jane Vane	Cherokee Freedmen D-130
Thomas Bowe	Cherokee Freedmen D-131
Edie Mayers	Cherokee Freedmen D-132
Salie Under	Cherokee Freedmen D-133
Reuben Campbell	Cherokee Freedmen D-134
Van Jackson Under	Cherokee Freedmen D-135
Charles Hamilton	Cherokee Freedmen D-136
Mary Martin	Cherokee Freedmen D-137
Nemo Hodge	Cherokee Freedmen D-138
John Hodge	Cherokee Freedmen D-139
William S. Hamilton	Cherokee Freedmen D-140
Joe Hodge	Cherokee Freedmen D-141
Albert T. Thomas	Cherokee Freedmen D-142
Mary Campbell	Cherokee Freedmen D-143
Caroline Daniel	Cherokee Freedmen D-144
Malvin Atwater	Cherokee Freedmen D-145
Paul Hodge	Cherokee Freedmen D-146
Thomas Under	Cherokee Freedmen D-147
Edna Hodge	Cherokee Freedmen D-148
John H. Hodge	Cherokee Freedmen D-149
John H. Hodge	Cherokee Freedmen D-150
Edna Hodge	Cherokee Freedmen D-151
William Hodge	Cherokee Freedmen D-152
Howard Hodge	Cherokee Freedmen D-153
Jack McCowan	Cherokee Freedmen D-154
Maude Hamilton	Cherokee Freedmen D-155

William Davis,
Henry Thomas,
Ed. Van,
Milly Markum,
Frederic Brown,
John Dotson,
Mary Jane Van,
Thomas Howe,
Ella Mayers,
Sally Under,
Nelson Campbell,
Van Jackson Carter,
Charles Middleton,
Mary Harris,
Nemo Price,
John Hines,
William S. Smith,
Joe Nash,
Albert T. Thomas,
Mary Chapman,
Caroline Daniel,
Melvin Murray,
Dave Brown,
Alexander Gifford,
Amiel Martin,
Ella Wilson,
John W. Dawson,
Ed. Dillingham,
Samuel Brown,
Howard F. Webb,
Jack McCann,
Mabel Brown,
John W. Webb,

[illegible]

George Reed, Sr.,
 Buck Ledman,
 Bell Thompson,
 Lewis Scott,
 Abe Scott,
 Kender Leampton,
 Thomas B. Allen,
 Lewis Vanderford,
 John L. Bowlin,
 Katie Davis,
 Charles Williams,
 John J. Rose,
 Jare Martin,
 Lena Peterson,
 Alex Johnson,
 Martha Vann,
 John Scott,
 Nancy Ross,
 Charles C. Smith,
 Susie Gilbert,
 William Skaggs,
 Susie Johnson,
 Alfred P. Hopkins,
 Kinnie Vann,
 Freddie Looney,
 Lucy Chouteau,
 Alice Durant,
 Mahaley Ward,
 Fred D. Thomas,
 Bettie Reak,
 Ellis Warren,
 Millie Robinson,
 Mary Wehben,
 Frances Martin,
 Mary Riley,
 Emanuel Taylor,
 Henry Sykes,
 Larkin P. Powell,
 Stephen Daws,
 Malinda Vann,
 Frances Johnson,
 Annie Foster,
 Mary H. Rogers,
 George Washington Lane,
 Jane Brown,

Cherokee Freedmen D—382,
 Cherokee Freedmen D—406,
 Cherokee Freedmen D—411,
 Cherokee Freedmen D—420,
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 Cherokee Freedmen D—422,
 Cherokee Freedmen D—424,
 Cherokee Freedmen D—426,
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 Cherokee Freedmen D—723,
 Cherokee Freedmen D—725,
 Cherokee Freedmen D—726,
 Cherokee Freedmen D—741,
 Cherokee Freedmen D—742,
 Cherokee Freedmen D—743,
 Cherokee Freedmen D—752,
 Cherokee Freedmen D—753,
 Cherokee Freedmen D—760,

Samuel L. Young,
John Buckner,
Willie Cox,
Leonard Bowles,
Malinda Murrell,
Charles Claggett,
Samuel Irvon,
Mary Ross,
Maggie Nave,
Neoma Nave,
Ella Ross,
Elizabeth Duncan,
Sadie Adams,
Georgann Archer,
John Claggett,
Hattie Smith,
Jack Jackson,
Lula Sanders,
George Hazelrig,
Lizzie West,
Maria French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Deckman,
James B. Perry,
Isaac Welch,
Lawson Logan,
George Howell,
Henry Masin,
George Adams,
Annie Thomas,
Lewis McConnell,
Cellie Vann,
Lou Peters,
Ida Adair,
Robert Brown,
Allie Chambers,
Isaac Jones,
Alice Ganter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D—761,
Cherokee Freedmen D—780,
Cherokee Freedmen D—781,
Cherokee Freedmen D—787,
Cherokee Freedmen D—788,
Cherokee Freedmen D—789,
Cherokee Freedmen D—798,
Cherokee Freedmen D—799,
Cherokee Freedmen D—806,
Cherokee Freedmen D—816,
Cherokee Freedmen D—840,
Cherokee Freedmen D—871,
Cherokee Freedmen D—880,
Cherokee Freedmen D—901,
Cherokee Freedmen D—912,
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Cherokee Freedmen D—938,
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Cherokee Freedmen D—987,
Cherokee Freedmen D—990,
Cherokee Freedmen D—1010,
Cherokee Freedmen D—1039,
Cherokee Freedmen D—1062,
Cherokee Freedmen D—1067,
Cherokee Freedmen D—1078,
Cherokee Freedmen D—1082,
Cherokee Freedmen D—1085,
Cherokee Freedmen D—1105,
Cherokee Freedmen R— 39,
Cherokee Freedmen R— 45,
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Cherokee Freedmen R— 56,
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Cherokee Freedmen R— 82,
Cherokee Freedmen R— 83,
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Cherokee Freedmen R— 94,
Cherokee Freedmen R— 96,
Cherokee Freedmen R— 99,
Cherokee Freedmen R—100,
Cherokee Freedmen R—102,
Cherokee Freedmen R—104,
Cherokee Freedmen R—105,
Cherokee Freedmen R—106,
Cherokee Freedmen R—107,

Benjamin Clark,	Cherokee Freedmen R—108,
Emily Looney,	Cherokee Freedmen R—110,
John Groves,	Cherokee Freedmen R—112,
Matilda McNair,	Cherokee Freedmen R—117,
Bettie Vann,	Cherokee Freedmen R—122,
Nelson Lott,	Cherokee Freedmen R—125,
Fannie Rogers,	Cherokee Freedmen R—129,
William Washington,	Cherokee Freedmen R—131,
Squire Warren Owens,	Cherokee Freedmen R—143,
Fannie Goldsby,	Cherokee Freedmen R—144,
Susan Daniels,	Cherokee Freedmen R—146,
Anderson Turk,	Cherokee Freedmen R—148,
David Lane,	Cherokee Freedmen R—155,
Felix McLain,	Cherokee Freedmen R—165,
Henderson Jones,	Cherokee Freedmen R—173,
Belle Vann,	Cherokee Freedmen R—181,
Levi Stroud,	Cherokee Freedmen R—196,
John Sumpter,	Cherokee Freedmen R—211,
Mariah Thompson,	Cherokee Freedmen R—230,
Ellen Sheppard,	Cherokee Freedmen R—237,
Lula Melton,	Cherokee Freedmen R—247,

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Ella Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Deaton Campbell for himself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, Sallie Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William M. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard M. Watson; by Jack McConnell for himself; by Maude Munley for herself; by George Reed, Sr. for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lupton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irvan for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Carrie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Mauley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrigg, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Maair, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Albie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Frank Goldsby, Samm Daniels, Anderson Tull, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Gauder, Mariah Thompson, Ellen Sheppard and Lela Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 23, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MURKOSH, INDIAN TERRITORY, JANUARY 19, 1905.

J. C. Starr
Fort Gibson, I. T.

REGISTERED
SEP 14 1907
FT. GIBSON, I. T.

Reg 199

Larkin P. Powell (col)
Coffeyville
Kan

Cher. Fr. R. 703

Trans. from Cher. F. D. 736

Cher. Fr. R. 703

Cherokee Nation, Cooweescoowee District.

To all whom it may concern: Be it Known, that I, C. C. Lipe, Clerk of the above named District and Nation, by virtue of authority in me vested by law, do issue this a License of Marriage to Stepeny Dawn, a citizen of the United States to marry Mary Musgrove, a citizen of Cooweescoowee District, Cherokee Nation, he having complied with all the requirements of the law, in regard to intermarriage with white men and foreigners.

Therefore, any ordained Minister of the Gospel of any Evangelical denomination or any of the several Judges or Clerks of this Nation are hereby authorized to solemnize the rites of matrimony between the parties and attach a certificate of such marriage to this License and return to this office within thirty days for record.

Given from under my hand and seal of Office on this the 24th day of March, 1881.

C. C. Lipe,
Clerk of Cooweescoowee Dist., C. N.

Marriage Certificate.

This is to certify that Stepeny Dawn a citizen of the United States Mary Musgrove a citizen of the Cherokee Nation in the state of Holy Matrimony were by me joined together in the Cherokee Nation according to the ordinance of God and the laws of the Nation this 26 day of March, 1881.

Witnesses, Cape Lasley and Jane Lasley by Rev. Sam Webber, a Minister of the Gospel.

Recorded in the Clerk's Office of Cooweescoowee District on the 18th day of October, 1887.

C. C. Lipe,
Dist. Clerk.

Department of the Interior,
Commission to the Five Civilized Tribes.

Muskogee, I. T. July 22, 1902.

I, C. L. Mielenz, a stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application of Stepeny Dawn for enrollment as a Cherokee Freedman by intermarriage.

C. L. Mielenz

RECEIVED
COMMUNICATIONS SECTION
FEB 11 1964

Q Now, your name? A Clayton, sir.
Q How old are you? A 25 years old.
Q Where is the post office located? A Benayah.
Q How far is it from your district? A 100 miles.
Q Do you live in your home district? A Yes, sir.
Q How long have you been in the service? A 1 year.
Q You claim to be a member of the 1st Cavalry? A Yes, sir.
Q How long have you been in the service? A 1 year, sir.
Q What is your wife's name? A Mary Ann.
Q How many children have you? A 2, sir.

Q Now, have you lived in the Cherokee Nation. A Yes, sir.
Q Where were you in 1880. A I was in the Cherokee Nation.
Q Did you live there ever since in the Cherokee Nation. A Yes, sir.
Q Did you get upon any of the roles of the Cherokee Nation.
A I might be on the 120 roll.
Q Did you not married until 1915. (No response)
Q You were not married until 1915. A Yes, sir.
Q You were not married until 1915. A Yes, sir.
Q You were not married until 1915. A Yes, sir.

[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES?
NOWATA, I.T., 29th June, 1901.

In the matter of the application of Stepney Dawn for enrollment as a Cherokee Freedman by intermarriage; said Dawn being sworn and examined by Commissioner T. E. Needles, testified as follows:

- Q What is your name? A Stepney Dawn.
Q How old are you? A About 75 years old.
Q What is your post office address? A Lenapah.
Q Do you live in Coowescoowee district? A Yes, sir.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q You claim citizenship by intermarriage? A Yes, sir.
Q Were you married? A Yes, sir.
Q What is your wife's name? A Mary Dawn.
Q Her former name Mary Musgrove? A Yes, sir.

Com'r Needles: Applicant presents a duly authenticated marriage license issued by C. C. Lipe, Clerk of Coowescoowee District, under his seal, authorizing marriage of Stepney Dawn, a citizen of the United States, to Mary Musgrove, a citizen of the Cherokee Nation; and also a certificate of marriage certifying that he was married according to the license issued on the 28th day of March, 1881; said license duly recorded in the Clerk's office, Coowescoowee District.

- Q How long have you lived in the Cherokee Nation, Mr. Dawn?
A Come here in '69.
Q Been living here ever since in the Cherokee Nation? A Yes, sir.
Q Your name is not upon any of the rolls of the Cherokee Nation?
A It ought to be on the 180 roll.
Q You were not married until '81? (No response.)
Q You never drew any money as a Cherokee citizen? A No, sir.
Q Your wife Mary Dawn is living is she? A Yes, sir.

Tribal Rolls of Freedmen citizens of the Cherokee Nation examined and name of applicant not found on any of them.

COM'R NEEDLES: Stepney Dawn applies for the enrollment of himself as an Intermarried citizen. He cannot be identified upon any of the rolls of the Cherokee Nation but presents satisfactory proof of his marriage according to the laws of the Cherokee Nation, more particularly described in the testimony. He avers that his wife, Mary Dawn, is living and that he has lived with her ever since their marriage. Said Stepney Dawn will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card. He will be notified of the action of the Commission by mail.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 28th day of June, 1901.

[Signature]

Commissioner

8 1901
A L E D

92736

THE NATIONAL ARCHIVES
COLLEGE PARK, MARYLAND
20540

SECRET

[illegible][illegible]

...the Commission ...

Supl.D#735, C.F.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 20, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
STEPNEY DAWK as a Cherokee Freedman, introduced on the part of
the Cherokee Nation:

APPEARANCES:

Mr. W. W. Hastings, for Cherokee Nation;

The Cherokee Nation makes satisfactory proof of service of notice on the said Stepney Dawk that testimony would be introduced on behalf of the Cherokee Nation in the matter of his application for enrollment as a Cherokee Freedman, at Fort Gibson, Indian Territory, September 20, 1901. Said Stepney Dawk has been called three times and does not respond.

Mr. Hastings: The Cherokee Nation offers in evidence a certified copy of the decision of the Supreme Court of the Cherokee Nation of date June 20th, 1871, with reference to the rights of intermarried colored persons.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 23d day of September,
1901.

C. R. Redmon

Commissioner.

COPY.

Cherokee Freedmen
J.M. M. M.

Mustkee, Indian Territory, January 21, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Mathews, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lewis, Ella Hayfield, Nellie Rider, Reuben Campbell, Van Jackson Luther, Charlie Middleton, Mary Harlin, Nellie Fields, John Kinke, William S. Hadden, Sam Bean, Albert T. Thomas, Mary Campbell, Caroline Jackson, William Alberty, John Morris, Alexander Claggett, Emma Martin, Edith Martin, John F. Bowers, Bell Davis, Samuel Myers, Howard F. Wilson, Jack McDunnell, Hattie Kaylor, George Hoot, Sr., Frank Lusk, Bill Thompson, Louis Scott, Ada Scott, Kander Langston, Thomas E. Allen, Louis Vanderford, John L. Rowlin, Katie Davis, Charles Williams, John J. Ross, Sam Martin, Sam Robinson, Alex Johnson, Emma Vann, John Scott, Henry Ross, Charles G. Smith, Sagar Gifford, William Hagar, Golia Johnson, Alfred F. Hopkins, Emma Vann, Freddie Lacey, Lucy Skubetun, Alice Jant, William Ross, John J. Thomas, Fattie Ross, Ella Vann, Nellie Robinson, Mary Webb.

Frances Martin, Mary Wiley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel I. Young, John Buckner, Willie Cox, Leonard Bewles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Hays, Emma Hays, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Miller, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haskins, Lillian Vest, Maria French, Mary Johnson, Maggie Vann, William Haskins, Sarah Rogers, Abraham Ballard, Laura David, John Jackson, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Haskins, George Adams, Annie Thomas, Lewis McConnell, Carrie Vann, Len Peters, Ida Adair, Robert Brown, Allie Chambers, Emma Jones, Alice Hunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Lockney, John Groves, Matilda McFair, Bettie Vann, Nelson Lett, Pansie Rogers, William Washington, Squire Warren Owens, Pansie Goldsby, Susan Daniels, Anderson Turk, David Lane, Fella McClain, Montague Jones, Belle Vann, Levi Stroud, John Hunter, Maria Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 20, 1905, rejecting said applications.

Respectfully,

(SIGNED) *Tame Dixby.*
Chairman.

Incl. F.B.
Through the
Commissioner of Indian Affairs.

COPY:

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Ball, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Lewis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Detson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinsie, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Nell Lewis, Samuel Brown, Howard P. Watson, Jack McConnell, Maudie Hickey, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Joe Scott, Esther Langton, Thomas E. Allen, Lewis Vanderford, John J. Bowlin, Katie Lewis, Charles Williams, John J. Rose, Jane Martin, Anna Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, State Gilbert, William Shaggs, Emily Johnson, Alfred P. Hopkins, Minnie Vann, Freddie Lecky, Lucy

Chouteau, Alice Jurant, Mahaley Ward, Fred J. Thomas, Bettie Bank,
 Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary
 Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dean,
 Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers,
 George Washington Lane, Jane Brown, Samuel L. Young, John Jackson,
 Willis Cox, Leonard Bowles, Malinda Maxwell, Charles Claggett,
 Samuel Irwin, Mary Ross, Henrietta Ross, Emma Ross, Ella Ross,
 Elizabeth Johnson, Sadie Mann, Georgeanna Johnson, John Claggett,
 Fattie Smith, Jack Jackson, Ida Jackson, George Hambrick, Lizzie
 West, Maria French, Mary Johnson, Maggie Vann, William Rogers,
 Sarah Rogers, Archibald Ballou, Laura Todd, John Jackson, Susan
 E. Perry, Isaac Welch, Lavern Rogers, George Hambrick, Henry Hambrick,
 George Adams, Annie Thomas, Lewis McCannell, Callie Vann, Lou
 Peters, Ida Adair, Robert Brown, Alice Claggett, Edna Jones,
 Alice Gunter, Katie Adair, Corrie Martin, Benjamin Clark, Emily
 Leckey, John Groves, Matilda Martin, Bettie Vann, Helen Lett,
 Fannie Rogers, William Washington, Sadie Warren Smith, Susan
 Goldsby, Susan Daniels, Anderson Tuck, David Lane, Fannie McPhail,
 Henderson Jones, Belle Vann, Levi Brown, John Rogers, Maria
 Thompson, Ellen Sheppard and Luke Martin, as shown by alliance
 by intermarriage.

The list, together with the record of genealogy
 had in the case, has this day been submitted to the Secretary
 of the Interior for his review and decision. The action of the

Members will be asked to pay as soon as the statement is
received of the same.

Respectfully,

(SIGNED) *Tams Birby*

Chairman

Encl. 2-9.

COPY.

Cherokee Freedman
D-736.

Muskogee, Indian Territory, January 24, 1908.

Stepney Dawn,

Lenapah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 12, 1908, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

CHIEF. *Tame Dixby.*
Chairman.

Encl. 1-80.

Register.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Refer in reply
to the following:
Land.
7000-1900.

WASHINGTON, March 20, 1900.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 22, 1900, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Martha, Frances Holton, John Dotson, Mary Jane Vann, Thomas Love, Ella Mayfield, Nellie Elder, Nathan Campbell, Jack Jackson Luther, Sannie Middleton, Mary Harlin, Nellie Fields, John Kibo, William S. Faison, Jane Bond, Albert T. Thomas, Mary Campbell, Caroline Daniels, Nathan Albert, Dave Norris, Alexander Claggett, Sannie Martin, Eliza Martin, John B. Barnes, Bell Davis, Samuel Brown, Edward F. Watson, Jack McQuinnell, Emma Manley, George Reed, Dr., Jack Ledman, Bell Thompson, Louis Scott, Abe Scott, Ender Lupton, Thomas H. Allen, Louis Vanderford, John B. Boulton, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles S. Smith, Sannie Gilbert, William Gage, Sannie Johnson, Alfred P. Hopkins, Elsie Vann, Freddie Lacey, Lucy Chertoni.

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Harrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Hare, Emma Hare, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Rattie Smith, Jack Jackson, Lula Sanders, George Kasalrig, Lillie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Bushman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Haxir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lett Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Genter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Legney, John Groves, Nettie McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McGlaine, Henderson Jones, Della Vann, Levi Stroud, John Sumpter, Mariah Thompson, Eliza Shappard, and Lula Helton.

January 18, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that

is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (L. T. D. 5045-1904) in the Laurel Velasco case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

G. J. Lawrence

Acting Commissioner.

H. H. H.

V.

D. C. 20477-1908
I.T.D. 2904-1908

(COPY)

H.C.P.
THE

L R S

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

April 17, 1908.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1908, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1908, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Walton, John Bolton, Mary Jane Vann, Thomas Love, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Chasie Middleton, Mary Harlin, Nellie Fields, John Kinbo, William E. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Sanibla, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barasa, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Hanley, George Reed Jr., Mark Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kendra Hampton, Thomas E. Allied, Lewis Vanderford, John L. Devlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lund Petersen, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William
 Taggs, Susie Johnson, Alfred P. Hopkins, Minnie Vann, Freddie
 Looney, Lucy Chontau, Alice Durant, Mahaley Ward, Fred B. Thomas,
 Fannie Cook, Ellis Warren, Willie Robinson, Mary Webber, Frances
 Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell,
 Stepney Dean, Malinda Vann, Frances Johnson, Annie Foster,
 Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young,
 John Buckner, Willie Cox, Leonard Bowles, Malinda Morrell,
 Charles Claggett, Samuel Irven, Mary Ross, Maggie Hays, Norma Hays,
 Ella Ross, Elizabeth Duncan, Gail Adams, Georgeann Archer,
 John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George
 H. Melrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann,
 William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John
 Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell,
 Henry Masir, George Adams, Annie Thomas, Louis McDonnell, Callie
 Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Tom
 Jones, Alice Gunter, Mattie Adair, Carrie Martin, Benjamin Clark,
 Emily Loney, John Graves, Matilda McFair, Rattie Vann, Nelson Lott,
 Fannie Rogers, William Washington, Equire Warren Owens,
 Fannie Colashy, Susan Daniels, Anderson Turk, David Lane,
 Fannie McClain, Henderson Jones, Nellie Vann, Levi Stroud, John
 Sumpter, Harish Thompson, Ellen Sheppard and Lula Walton.

-2-

Reporting in the matter March 21, 1900, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

1 inclosure.

(Signed) THOS. RYAN
Acting Secretary.

COPY.

Cherokee Freedmen

D-736.

Muskogee, Indian Territory, April 28, 1905.

Stepney Darn,

Lenapeh, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED: *Tams Bixby*
Chairman.

COPY.

Cherokee Freeman

2-14, 25 cl.

McKague, Indian Territory, April 25, 1906

Ball, Hastings & Devanport,

Attorneys for the Cherokee Nation,

McKague, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 20, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED) *Tame Biaby.*

Chairman.

COPY.

Cherokee Freedmen

B-14, et al.,

Muskogee, Indian Territory, April 20, 1900.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1900, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1900.

Respectfully,

(SIGNED) *Tamie Bixby*
Cherokee.

2 321154
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 20 1901


ACTING CHAIRMAN

NOTE:—“Decision regarding colored citizens of the United States intermarrying with colored women citizens of the Cherokee Nation made June 20, 1871.”

“Tuesday Morning, June 20, 1871.”

“Court convened—Present same as yesterday. The making out of report continued until the court announced the following decision regarding certain colored men who have married colored women of the nation, to-wit:”

“The Court of Commission after mature reflection feel authorized to decide against all cases before it wherein colored or black men are claiming citizenship from marrying black female citizens under the law ‘Regulating Intermarriage with White Men,’ as they are convinced a correct interpretation of said law will not authorize a clerk of any of the courts to issue a license to a black man to marry a black woman as it only alludes to, and was intended for white men and Cherokee women.”

“The Court believes it is further sustained in the opinion that colored citizens, are such by adoption, and as such, cannot confer rights upon others, without further legislation upon the matter; therefore decides ‘The following named persons are not entitled to Cherokee citizenship as claimed, to-wit:’”

“George Washington, Cooweescoowee District.

“Henry Johnson, Tahlequah “

“Lee Cooper, “

“Henry Bird, “

“William Madden, “

“Alonzo Cullen, “

“Solomon Foster, Illinois “

“William Hudson, “

“Haywood Youngblood, Sequoyah District.”

EXECUTIVE DEPARTMENT, CHEROKEE NATION.

TAHLEQUAH, I. T., June 22, 1901.

I, J. T. Parks, Executive Secretary of the Cherokee Nation, Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the decision of the Supreme Court of the Cherokee Nation sitting as a “Special Court of Commission” as found on pages 86 and 87 Record Book No. Five entitled “Minutes of Special Court of Commission,” on file in this department.

Given under my hand and the Great Seal of the Cherokee Nation at Tahlequah, Indian Territory, on this the day and date above written.

J. T. Parks
Executive Secretary of Cherokee Nation.

②

30136

COMMUNIST PARTY OF THE U.S. ORGANIZED IN 1919

FILED

JUN 17 1901

Carlin

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 7, 1901Post Office Lenapeh St.District 6001. Name Stepney Cavin Age 75

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

2. Name of wife _____ Age _____

Owner's name Robert Cavin Citizenship C

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by Ms. 1 Stenographer J. A. Ross

X Ref (Mary Cavin)

Mar 22 1962

MAR 22 1962

[Handwritten signature]

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Stepnay Dawn,

Lenapah, I. T.

Cherokee-P-D-736.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Department of the Interior

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D- 74.
Henry Thomas,	Cherokee Freedmen D- 56.
Ella Vann,	Cherokee Freedmen D- 76.
Mary Markham,	Cherokee Freedmen D- 103.
Frances Melton,	Cherokee Freedmen D- 110.
John Dotson,	Cherokee Freedmen D- 111.
Mary Jane Vann,	Cherokee Freedmen D- 116.
Thomas Lowe,	Cherokee Freedmen D- 118.
Ella Maynard,	Cherokee Freedmen D- 124.
Samuel Rider,	Cherokee Freedmen D- 127.
Reuben Campbell,	Cherokee Freedmen D- 167.
Van Jackson Luther,	Cherokee Freedmen D- 177.
Cassie Middleton,	Cherokee Freedmen D- 178.
Mary Harris,	Cherokee Freedmen D- 179.
Nellie Potts,	Cherokee Freedmen D- 180.
John Kinsbo,	Cherokee Freedmen D- 186.
William S. Madden,	Cherokee Freedmen D- 189.
Jude Bond,	Cherokee Freedmen D- 200.
Albert I. Thomas,	Cherokee Freedmen D- 205.
Mary Chapelle,	Cherokee Freedmen D- 210.
Chromie Daniels,	Cherokee Freedmen D- 207.
Mervina Liberty,	Cherokee Freedmen D- 207.
Dave Morris,	Cherokee Freedmen D- 208.
Alexander Chaggett,	Cherokee Freedmen D- 208.
Amanda Martin,	Cherokee Freedmen D- 204.
Ella Martin,	Cherokee Freedmen D- 211.
John E. Barnes,	Cherokee Freedmen D- 216.
Ben Davis,	Cherokee Freedmen D- 216.
Samuel Brown,	Cherokee Freedmen D- 216.
Howard F. Woods,	Cherokee Freedmen D- 217.
Jack McCummen,	Cherokee Freedmen D- 217.
Maude Manney,	Cherokee Freedmen D- 217.

George Reed, Sr.,
 Buck Ledman,
 Bell Thompson,
 Lewis Scott,
 Abe Scott,
 Kender Hampton,
 Thomas E. Allen,
 Lewis Vanderford,
 John L. Bowlin,
 Katie Davis,
 Charles Williams,
 John J. Rose,
 Jane Martin,
 Lena Peterson,
 Alex Johnson,
 Martha Vann,
 John Scott,
 Nancy Rose,
 Charles C. Smith,
 Susie Colbert,
 William Skaggs,
 Susie Johnson,
 Alfred P. Hopkins,
 Kimmie Vann,
 Freddie Looney,
 Lucy Chouteau,
 Alice Durant,
 Mahaley Ward,
 Fred D. Thomas,
 Bettie Beck,
 Ellis Warren,
 Millie Robinson,
 Mary Webber,
 Frances Martin,
 Mary Riley,
 Emanuel Taylor,
 Henry Sykes,
 Larkin P. Powell,
 Stephen Daws,
 Malinda Vann,
 Frances Johnson,
 Annie Foster,
 Mary H. Rogers,
 George Washington Lane,
 Jane Brown,

Cherokee Freedmen D—382,
 Cherokee Freedmen D—406,
 Cherokee Freedmen D—411,
 Cherokee Freedmen D—420,
 Cherokee Freedmen D—421,
 Cherokee Freedmen D—422,
 Cherokee Freedmen D—424,
 Cherokee Freedmen D—426,
 Cherokee Freedmen D—444,
 Cherokee Freedmen D—455,
 Cherokee Freedmen D—473,
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 Cherokee Freedmen D—513,
 Cherokee Freedmen D—514,
 Cherokee Freedmen D—520,
 Cherokee Freedmen D—545,
 Cherokee Freedmen D—546,
 Cherokee Freedmen D—550,
 Cherokee Freedmen D—552,
 Cherokee Freedmen D—573,
 Cherokee Freedmen D—584,
 Cherokee Freedmen D—585,
 Cherokee Freedmen D—608,
 Cherokee Freedmen D—650,
 Cherokee Freedmen D—665,
 Cherokee Freedmen D—667,
 Cherokee Freedmen D—674,
 Cherokee Freedmen D—691,
 Cherokee Freedmen D—692,
 Cherokee Freedmen D—696,
 Cherokee Freedmen D—699,
 Cherokee Freedmen D—733,
 Cherokee Freedmen D—735,
 Cherokee Freedmen D—736,
 Cherokee Freedmen D—741,
 Cherokee Freedmen D—742,
 Cherokee Freedmen D—743,
 Cherokee Freedmen D—751,
 Cherokee Freedmen D—754,
 Cherokee Freedmen D—760,

Samuel L. Young,
John Buckner,
Willie Cox,
Leonard Bowles,
Malinda Merrett,
Charles Claggett,
Samuel Irvon,
Mary Ross,
Maggie Nave,
Neoma Nave,
Ellis Ross,
Elizabeth Duncan,
Sadie Adams,
Georgeann Archer,
John Claggett,
Hattie Smith,
Jack Jackson,
Lula Sanders,
George Hazelrig,
Lizzie West,
Maria French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Deekman,
James B. Perty,
Isaac Welch,
Lawson Logan,
George Howell,
Henry Masin,
George Adams,
Annie Thomas,
Lewis McConnell,
Callie Vann,
Lou Peters,
Ida Adair,
Robert Brown,
Allie Chambers,
Isaac Jones,
Alice Gaunter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D—761,
Cherokee Freedmen D—789,
Cherokee Freedmen D—781,
Cherokee Freedmen D—767,
Cherokee Freedmen D—788,
Cherokee Freedmen D—788,
Cherokee Freedmen D—788,
Cherokee Freedmen D—788,
Cherokee Freedmen D—788,
Cherokee Freedmen D—816,
Cherokee Freedmen D—848,
Cherokee Freedmen D—871,
Cherokee Freedmen D—880,
Cherokee Freedmen D—901,
Cherokee Freedmen D—912,
Cherokee Freedmen D—928,
Cherokee Freedmen D—938,
Cherokee Freedmen D—978,
Cherokee Freedmen D—987,
Cherokee Freedmen D—990,
Cherokee Freedmen D—1010,
Cherokee Freedmen D—1039,
Cherokee Freedmen D—1062,
Cherokee Freedmen D—1067,
Cherokee Freedmen D—1078,
Cherokee Freedmen D—1082,
Cherokee Freedmen D—1085,
Cherokee Freedmen D—1105,
Cherokee Freedmen R— 39,
Cherokee Freedmen R— 45,
Cherokee Freedmen R— 46,
Cherokee Freedmen R— 50,
Cherokee Freedmen R— 72,
Cherokee Freedmen R— 82,
Cherokee Freedmen R— 83,
Cherokee Freedmen R— 86,
Cherokee Freedmen R— 94,
Cherokee Freedmen R— 96,
Cherokee Freedmen R— 99,
Cherokee Freedmen R— 100,
Cherokee Freedmen R— 102,
Cherokee Freedmen R— 104,
Cherokee Freedmen R— 105,
Cherokee Freedmen R— 106,
Cherokee Freedmen R— 107,

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to the Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Ella Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Elder for his wife, Sallie Elder; by Deacon Campbell for himself; by Van Jackson for himself; by Tobe Middleton for his wife, Carrie Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nettie Fields; by John Kimbrell for himself; by William M. Madden for himself; by Tobias Bean for himself; by James Campbell for his wife, Melvina Campbell; by Etta Thomas for her husband, Albert T. Thomas; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Alexander Claggett; by Jane Claggett for her husband, Alexander Claggett; by Peyton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Brown for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Dunley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Ben Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas B. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mattah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Kiley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Steppay Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armistead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Ollie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldaby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Laid for himself; by Edna McClain for herself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson, Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard E. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Melinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sampter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

SS

In the matter of the application of Stepney
for enrollment as a Cherokee Freedman.

Dawn
No. F. D. 736

Henry Pack of lawful age, being duly sworn on
oath states that on the 14 day of September, A. D., 1901, he registered
to Stepney Dawn whose postoffice is Lenapah
Indian Territory, a notice, a true copy of which is attached, to this affidavit, and he hereto
attaches the receipt of the Postmaster at Fork Gibson Indian Territory;
and that on the 18 day of September, 1901, he received the return
card which is hereto attached, signed by the said Stepney Dawn, showing
that he had received said notice.

Subscribed and sworn to before me on this the 18 day of September D. 1901.

J. C. Starr
Notary Public.

REGISTRY RECEIPT.

Post Office at

FT. GIBSON, I.T.

Registered Letter /
Parcel No.

Rec'd

SEP 14 1901

, 190

of

addressed to

Hubbard Ross, P. M.

P. M.

2
FD 736
INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 1901.

Given under my hand this
day..... A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of....., 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the..... day of..... A. D. 1901

Subscribed and sworn to before me
this..... day of..... A. D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

SEP 18 1901
SEP 18 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of **Stepeny Dawn**
for enrollment as a Cherokee Freedman:

Case No. F. D. 736

To **Stepeny Dawn Lonapah I. T.**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of **Fort Gibson, I. T.** Indian Territory, on the following dates, to-wit: **Sept. 20th** at **8 o'clock A. M.** A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this _____ day of _____ 1901.

SEP 14 1901

L. B. Bell
W. H. Hastings
J. L. Davenport

Attorneys for the Cherokee Nation.

Licenses

Quorum

in the Cherokee nation
according to the ordinances of

god and the laws of the nation
~~the society of ministers~~

Witnesses before said day
and year said day we were
down we have a minister
of the gospel

Please return this to

Stepney Dore Coffeyville Mo

Recorded in the Clerk's
Office of Coconino
District on the 16th day
of October 1887 C. C. Lifer

Rich Clark

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 17 1901

Marriage Certificate

This is to certify

that Stephen Dorem a
citizen of ^{the} United States

and Mary Margaret Root a bit born of
the Cherokee nation

in the state of holy matrimony
were by me joined together
in the Cherokee nation
according to the ordinances of

god and the laws of the nation
~~the country of the Cherokee~~

witnesses Lope Salsley
and John Salsley by reverent
James Webber a minister
of the gospel

Please return this to

Stephen Dorem Coffeyville Mo

Stephen Dorem

Mary Margaret Root

Ma' iag's certification
 This is to certify
 that Stephen Dallow a
 citizen of ^{the} united states
 and a member of the
 Cherokee nation
 in the state of holy matrimony
 was by me joined together
 in the Cherokee nation
 according to the ordinances of
 god and the laws of the nation
 the country of marriage
 witnesses Lope Sasley
 and Gane Sasley by reverent
 Sam. webber a minister
 of the gospel

Please return this to
 Stephen Dallow Coffeyville Mo

Stephen Dallow
 Ma' iag's

COMMISSION TO THE FIVE CIVILIZ
 FILED
 JUN 17 1901

Received in the
 Office of the
 Clerk on the 11th
 of October 1897

Choctaw Nation

Coomesacoochee

District 5

To all whom it may concern. Be it known,
that I C. L. Life Clerk of the above named
District Choctaw Nation, by virtue of authority
in me vested by law, do issue this a
License of Marriage to Stephen Law,
a citizen of the United States, to marry
Mary Musgrove, a citizen of Coomesacoochee
District Choctaw Nation, who having complied
with all the requirements of the law, in
regards to intermarriage with white men
and foreigners.

Therefore any ordained Ministers
of the Gospel of any evangelical denomina-
tion or any of the several Judges or Clerks
of this Nation, are hereby authorized to
solemnize the rites of matrimony between
the parties and attach a certificate of
such marriage to this License and return
to this Office within thirty days for record.

Given and sealed under my
hand and seal of Office on this the
24th day of March 1881.

C. L. Life Clerk of
Coomesacoochee

Cher. Fr. R. 704

Trans. from C.F.D. 741

Cher. Fr. R. 704

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 17, 1901.

In the matter of the application of Ellis Vann for the enrollment of himself and wife as Cherokee Freedmen, his wife by inter-marriage; being sworn and examined by Commissioner Needles he testified as follows:

- Q What is your name? A Ellis Vann.
Q How old are you? A I assert my age as 61.
Q What is your post-office? A Lenapah.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Want to enroll anybody besides yourself? A My wife, she is from the state.
Q Have you got any children? A No sir.
Q Is your name on the roll of 1880? A Not as I know of.
Q Have you ever been recognized as a Cherokee citizen by the Cherokee authorities? A Always have.
Q Your name on any of the rolls? A Yes sir.
Q What rolls? A Wallace roll and Clifton roll.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant and name not found thereon;
Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 103 #2572 Ellis Vann, Cooweescoowee District;
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on page 144 #3017 Ellis Vann, Cooweescoowee District.

- Q Were you a slave? A Yes sir.
Q What was your owner's name? A Katie Vann.
Her father was named Abe Vann.
Q Did you go out of the Cherokee Nation at any time during the war between the North and South? A Yes sir, I went up to Kansas and stayed a while, and come back in September '66.
Q You have been living here ever since? A Yes sir.
Q You know why your name is not on the 1880 roll? A Yes sir.
Q Why? A I was living with a cousin of mine, that wasn't recognized by the Cherokees and when they enrolled my name and come to transfer the name they dropped my name off.
Q Because you was in bad company, that it? A I don't know sir.
Q Because they other people were dropped off were they? A Yes sir.
Q You have been living in the Cherokee Nation continuously since that time? A Yes sir.
Q Always been recognized since that time as a Cherokee citizen have you? A Been recognized; my vote has always been recognized ever since the first election was held after peace up to the present.
Q You belonged to Katie Vann? A Yes sir.
Q Was she a Cherokee citizen? A Yes sir.
Q Where did you come to in '66 when you came back? A To Spring Creek, at the old home place.
Q Is Katie Vann living? A No sir.
Q What makes you recollect that you came back in '66? A Because we started from Kansas in '66; we come before the treaty was opened and read.
Q You got here in September? A Yes sir.
Q Have you got any witnesses to prove that by? A Couple of ladies here that went out with me, and come back at the same time.

BY CHEROKEE REP'VE W.W.HASTINGS:

- Q You lived on Spring Creek, did you, before the war? A Yes sir.
Q Who was living on the old home place when you returned there after the war? A Miss Katie Williams.
Q That was your mistress? A Yes sir.
Q She had married some one else? A Yes sir, she had married a man named Williams.
Q How far was that from Dave Rowe's place? A About a mile.
Q Was Cull and Pole Rowe living there when you came back? A Yes sir.
Q They know about your coming back? A Yes sir.
Q And your residence, A Yes sir, they were right there.
Q Sam Smith living there too? A Sam Smith lived right there too.
Q Where Pole and Cull are living? A Yes sir.
Q Did you make a crop on that place when you first came? A Yes sir.
Q Next year? A Yes sir, my uncle made a crop.
Q Had there been a crop made on it that year? A The year before we came my uncle came down and made a crop.
Q In mean in the spring that you came in the fall there had been a crop made there? A Yes sir.
Q Who made it, A My uncle Gilbert Vann.
Q Who did you come down there with? A Uncle Gilbert Vann and George Vann.
Q Uncle Gilbert went up after you? A Yes sir.
Q Had George been down here before then? A No sir, he didn't come down before he moved down.
Q Is he a brother o f yours? A Yes sir.
Q You have got no children? A No sir.
Q How long have you been blind? A Ever since when the war broke out.
Q You were blind then when you came back? A Yes sir.
Q Who did you live with down there first after the war, down on Spring Creek? A I lived with brother George Vann.
Q How long did you live with him after the war? A Until we moved out here.
Q Who all came back with you when you came back? A I couldn't tell all their names, I could state some of their names.
Q Was there any disturbance along the way? A Yes sir.
Q Where was that, on Horse Creek? A Yes sir.
Q Then you was in that Horse Creek fight? A Yes sir.
Q Who was killed up there? A Wes Vann and Jesse Vann and Phil Daniels.
Q Was that on the Knight place on Horse Creek? A Yes sir.

BY COM'R NEEDLES:

- Q You say there was a crop raised the spring before you come, how much crop was it? A My uncle raised ten acres.

MARY MUGGROVE, being sworn and examined by Com'r. Needles, testified as follows:

- Q What is your name? A Mary Muggrove.
Q How old are you, Mary? A About 60 years old I guess.
Q You are a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir.
Q Do you know the applicant here, Ellis Vann? A Yes sir.
Q How long have you known Ellis Vann? A Ever since he was born.
Q Was he a slave? A Yes sir.
Q Who did he belong to? A Katie Vann, they called her.
Q You know whether he went out of the country during the war? A He went to Kansas and stayed not quite three years.
Q When did he return? A In the fall of '66, in September.
Q Did you return with him? A Yes sir, I was along with him.
Q You was a slave, was you? A Yes sir.

Q And went out during the war? A Yes sir.
 Q And come back with Ellis Vann here? A Yes sir, and old man Gilbert.
 Q In the fall of '66? A Yes sir.
 Q Been living here continuously since that time? A Yes sir, ever since.

BY MR. HASTINGS:

Q What relation are you to him? A I am his aunt.
 Q What relation are you to Gilbert Vann? A He was my brother-in-law.
 Q He brought you back? A Yes sir.
 Q Brought you back to the old Vann place on Spring Creek, Saline District? A Yes sir, and we stayed there until we come up here.

JANE LASLEY, being sworn and examined by Gen'r Needles, testified as follows:

Q What is your name? A Jane Lasley.
 Q How old are you? A I guess I am 49.
 Q What is your post office address? A Lenapeh.
 Q Are you a recognized Freedman citizen of the Cherokee Nation?
 A Yes sir.
 Q Your name on the roll of 1880? A Yes sir.
 Q Do you know the applicant here, Ellis Vann? A Yes sir, I guess I know him.
 Q This aint a guessing school? A Well I mean I have been knowing him long enough to witness for him.
 Q How long have you known him? A Ever since the war. I saw him once before the war but I was small.
 Q Is he any relation to you? A Yes sir.
 Q What? A First cousin.
 Q Was he a slave before the war? A Yes sir.
 Q Who did he belong to? A Katie Williams. Katie Vann, afterwards Katie Williams.
 Q Did he go out to Kansas during the war? A Yes sir.
 Q When did he come back to the Cherokee Nation? A Came back in the fall of '66.
 Q You know that? A Yes sir, but I don't know what day of the month it was.
 Q Were you a slave yourself? A Yes sir.
 Q Who did you belong to? A Belonged to Sallie Musgrave.
 Q Did you go out of the Cherokee Nation during the war?
 A Yes sir.
 Q To Kansas? A Yes sir.
 Q When did you return? A In '66.
 Q Did you and Ellis return together? A Yes sir, all come back together.
 Q In the fall of '66? A Yes sir.
 Q Has Ellis been living here ever since that time? A Yes sir.
 BY MR. HASTINGS:
 Q How old are you? A 49 I guess. I was big enough to do a little work.
 Q How old were you when you came back here, about 12 or 13.
 A I guess I was about 16 or 17 when I came back; slaves didn't know their ages then.
 Q You didn't keep up dates then? A No sir.
 Q What year were you married? A About '70.
 Q You know it was that exact year? A Yes sir.
 Q What year was your first child born? A '71.
 Q What part of the Cherokee Nation did you first come to? A Came to Spring Creek.

Q What point in Kansas did you leave? A I forget now, somewhere near Dutch Henry crossing, I forget the name of the little creek; been so long I never thought it would have to come up.

Q Who were you living with up there? A I was staying around with white folks, woman named Vasson. And a woman named Hanwee.

Q You come down with Gilbert Vann? A Yes sir, he come down in the spring of '66, and him and Eli Vann went back and a man named Docter Miller, as well as I remember, went there to tell the colored people to come to the Nation, and we come.

Q You had no father and mother at that time? A I had a mother, and of course we had to come with the people we could get to come with.

Q Your mother came with you? A Yes sir.

Q She came along too? A Yes sir.

Q You come over there on the spring Creek, near the old Dave Rowe place? A Yes sir.

Q Pole and Gull Rowe were living there at that time? A Yes sir, right up on the hill.

Q What time in the year was that? A About the last of September, I think.

Q Hadn't got gold as yet? A No sir.

Q Leaves were green on the trees? A I don't know whether they was green or not, but I know it was September, because they had a death in the family up there.

Q And you think it was in the month of September? A Yes sir.

APPLICANT, ELLIS VANN, re-called and further examined,

BY COM'R NEEDLES:

(Applicant produces papers.)

Q Do you want to apply for your wife as an intermarried citizen?

A Yes sir.

Com'r: The applicant presents a marriage license certifying that he was married on the 20th day of November, in the year of our Lord, 1887, to Malinda Webb, at Geoseneek, Indian Territory, by J. S. Smith.

Q Your wife Malinda is what is known as a state woman? A Yes sir.

Q just claim citizenship for her by marriage? A Yes sir.

Q Were you ever married before? A Yes sir.

Q What was your first wife's name? A Jane Townsend.

Q Was she living when you married your present wife? A No sir.

Q Was your wife ever married before? A Yes sir, to Riley Webb.

Q Was he dead when you married your wife? A Yes sir, been dead two years.

Q Were you ever married but twice? A I was married before the war.

Q Was that wife dead when you married your present wife? A Yes sir.

Q You and your present wife lived together ever since you were married? A Yes sir, expect to live together until we die.

Com'r: Applicant also presents a certificate signed by G. J. Harris, Assistant Secretary of the Cherokee Nation, dated November 24th, 1890, certifying that the pay rolls of 1878 show that Ellis Vann, colored, drew his share of bread money paid out to the citizens of the Cherokee Nation, and that his name appears upon the pay rolls of Geoseneecowee District to that effect; said certificate being under seal of the Cherokee Nation.

Q Was your wife ever married but twice? A No sir.

Com'r. Needles: Ellis Vann applies for the enrollment of himself and his wife Malinda as Cherokee Freedmen; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1890, but he is duly identified upon the Kern-Clifton and the Wallace rolls, and his citizenship reference is made to the testimony; he presents a certificate of marriage

certifying that he was married to Malinda Webb in the year 1887; he avers that they have been living continuously as man and wife from that time until the present; by reason of the protest of the Cherokee nation said Ellis Vann will now be listed for enrollment as a Cherokee freedman upon a doubtful card; his wife Malinda will also be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card, awaiting further consideration of the Commission; he will be notified by mail of the action of the Commission in the premises .

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this June 24, 1901.

T. B. Needles,

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., August 3, 1903.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the above and foregoing, and that same is a true copy of the original transcript in this case.

Wm. Hutchinson

Subscribed and sworn to before me this 3rd day of August, 1903.

Edward McHenry
Notary Public.

F.D-741.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 21, 1902.

In the matter of the application of Ellis Vann for the enrollment of himself and others as Cherokee Freedmen.

SUPPLEMENTAL TO D-741.

Applicant appears by his brother, G. W. Vann.
Cherokee Nation appears by J. S. Davenport.

GEORGE VANN, being first duly sworn, testified as follows:

COMMISSION: What is your name? A George Vann.
Q How old are you? A 52.
Q What is your post office address? A Lenapah.
Q Are you a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir.
Q Are you acquainted with the applicant in this case, Ellis Vann?
A Yes sir.
Q How long have you known him? A Known him all my life.
Q Was he a slave? A Yes sir.
Q Who did he belong to? A Belonged to Katie Vann.
Q Do you know whether or not he went out of this country during the war? A Yes sir.
Q Where did he go to? A In Kansas.
Q How long did he stay? A Well, he stayed, lived there from '63 up to '66.
Q What time in '66? A Until September.
Q Who returned with him? A I did myself.
Q Your name on the roll of 1880? A Yes sir.
Q Did he come back at the very same time that you came here?
A Yes sir.
Q Did he continue to reside here after that? A Yes sir, been nowhere else.
Q Did he ever leave the Nation after that? A No sir.
Q Is he your brother? A My brother.
Q Full brother? A Full brother.
Q Same father and mother? A Same father and mother.
MR. DAVENPORT: Where did you go during the war, George?
A I went in Kansas.
Q What point in Kansas? A Franklin County.
Q What was your post office? A Postoffice was Lane, Kansas.
Q Did your brother go out with you, the applicant? A Yes sir.
Q Well how old was your brother when you came back? A Well I don't know how old he was when he came back, but I know about how old he now, we came back in '66.
Q How old was he in '66? A I don't know how old he was in '66.
Q Well how do you know how old he is now then? A If you will wait to count it up, I can count it up now, it's close to 40.
Q How old is he now? A Well, as well as I can guess at it, all we have been guessing about what Clem Rogers tell is; why he must be close to sixty now.
Q He was a grown man when the war broke out, wasn't he, or about grown? A Why he was, he thought he was grown; he was just a boy but he was married.
Q Well he had a family? A Yes sir.
Q Did his family go out with him? A No sir, never had no family born before.
Q Born before the war? A Yes sir, that is before going out.
Q Well did he and you belong to the same party before the war?
A Yes sir.

Q When the war broke out where were you living? A Living right on Spring Creek.
 Q He was living there too? A Yes sir.
 Q Did he go to the same point in Kansas with you? A Yes sir, right in the same house.
 Q Who else went with you? A I don't know, there was a whole x crowd, must be two or three hundred with us.
 Q Don't you remember any of them? A Oh yes, there was Aunt Mary Musgrove, my father, Gilbert, and my mother.
 Q Now when was it that your brother and you came back to the Cherokee Nation together? A '66.
 Q What time of the year '66? A In the fall of the year.
 Q When with reference to that time had you come back to the Cherokee Nation if at all? A We come back together.
 Q Was that before or after the Horse Creek fight that you and your brother came back together? A Before the Horse Creek fight you mean.
 Q Was it before or after that time? A Right at that time.
 Q Well you nor your brother Ellis had never been in the Cherokee Nation after the close of the war until the time you came when the Horse Creek fight ~~place~~ took place? A We never come until the Horse Creek Fight took place, and never been anywhere else since.
 Q And you and your brother returned to the Cherokee Nation at the time of the fight known as the Horse Creek fight? A Yes sir.
 Q That fight took place in what is known now as Delaware District on Horse Creek? A Yes sir.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 5th day of June, 1902.

(seal)

P. G. Reuter,
Notary Public.

~~XXX~~

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee I. T., August 3, 1903.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the above and foregoing, and that same is a true and complete copy of the original transcript in this case.

Wm Hutchinson

Subscribed and sworn to before me this 3rd day of August, 1903.

Edward M. ...
Notary Public.

Jee

Cherokee Freedman D 741

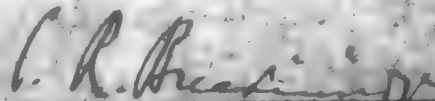
Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 31, 1903.

In the matter of the application of Ellis Vann for the enrollment of himself, as a Cherokee Freedman, and for the enrollment of his wife, Malinda Vann, as a Cherokee Freedman by intermarriage:

SUPPLEMENTAL STATEMENT.

From an examination of the Cherokee Census Roll of 1867, made under authority of Article Twelve, Section One, of the Treaty of 1866, it appears that the applicant, Ellis Vann, is identified therein at page 292, Saline District.

It is ordered that this statement be filed with and made a part of the record herein.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

jal
BL

In the matter of the application of Ellis Vann for enrollment as a Cherokee Freedman:

D E C I S I O N

The record in this case shows that on June 17, 1901, Ellis Vann appeared before the Commission at Nowata, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on May 21, 1902. The application also included Malinda Vann, wife of said Ellis Vann, who claims right to enrollment as a Cherokee Freedman by intermarriage but, the status of persons applying for enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said Malinda Vann is not embraced in this decision.

The evidence shows that the applicant, Ellis Vann, was the slave of a Cherokee citizen at the commencement of the rebellion; that, during said rebellion, he left the Cherokee Nation but returned thereto in 1866 and has since continuously resided therein.

The said Ellis Vann is duly identified on the Cherokee census roll of 1867, made under authority of article twelve, section one, of the treaty of 1866.

It is, therefore, the opinion of this Commission that Ellis Vann should be enrolled as a Cherokee Freedman, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Jams Bixby.

Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

(SIGNED).

W. F. Stanley.

Commissioner.

Muskogee, Indian Territory,

this JUL 1 - 1903

COPY.

Cherokee Freedmen
2-14 et al.

Muskogee, Indian Territory, January 26, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances McGowan, John Jackson, Mary Jane Vann, Thomas Love, Ella Hayfield, Eddie Rider, Hubert Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Eddie Fields, John Kimbo, William S. Hadden, Sam Bass, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Abbott, Dave Morris, Alexander Giggott, George Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard T. Watson, Jack McArthur, Maude Hanley, George Hunt, Geo. Buck Leake, Bill Thompson, Lewis Scott, Roy Scott, Kander Lupton, Thomas S. Allen, Lewis Vandenberg, John L. Baskin, Emma Davis, Charles Williams, John F. Reed, Sam Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy New, Charles G. Smith, Edie Gilbert, William Skaggs, Edie Johnson, Alfred E. Hopkins, Elsie Vann, Melvina Leamy, Amy Shuteau, Alice Grant, Emma Vann, Fred D. Thomas, Bettie Hunt, Ella Vann, Elsie Johnson, Mary Webb.

Francis Martin, Mary Riley, Emanuel Taylor, Henry Lane, Nathan S.
 Powell, Stegney Lane, Malinda Vann, Frances Johnson, Annie Thomas,
 Mary H. Rogers, George Washington Lane, Jane Brown, Samuel E. Young,
 John Buchanan, Willis Cox, Leonard Bowles, Malinda Howell, Charles
 Claggatt, Samuel Irven, Mary Ross, Maggie Vann, Emma Ford, Ella
 Ford, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggatt,
 Hattie Smith, Jack Jackson, Lula Sanders, George Hambrick, Emma
 West, Maria French, Mary Johnson, Maggie Vann, William DeLoach, Sarah
 Rogers, Abraham Ballard, Laura David, John Jackson, James E. Barry,
 Isaac Welch, Lawson Logan, George Howell, Henry Mair, George
 Adams, Annie Thomas, Lewis McConnell, Callie Vann, Ida Peters,
 Ida Mair, Robert Brown, Allie Chambers, Isaac Jones, Allen Mair,
 Hattie Mair, Corrie Martin, Benjamin Clark, Emily Leoney, John
 Cruse, Matilda McKair, Bettie Vann, Robert Left, Fannie Rogers,
 William Washington, Squire Warren Owens, Fannie G. Mair, Susan
 Daniels, Anderson Turk, David Lane, Felix McKain, Henderson
 Jones, Emma Vann, Levi Strick, John Supter, Martha Thompson,
 Ellen Sheppard and Ella Helton, as churches advised by letter
 marriage, including the Commission's decision dated January 12,
 1905, rejecting said applications.

Respectfully,

(SIGNED) *Tamm Bixby*

Incl. K-8.

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedman
D-741.

Muskogee, Indian Territory, January 24, 1905.

Malinda Vann,

Lenapeah, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-81.

Register.

(SIGNED)

Tame Bixby.
Chairman.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Marthan, Frances Melton, John Dutton, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Elder, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinke, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Stewart, Maude Martin, Eliza Martin, John E. Barnes, Edna Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Kinney, George Reed, Sr., Buck Logan, Bell Thompson, Lewis Scott, Abe Scott, Fender Langston, Thomas E. Allen, Lewis Vanderford, John I. Howlin, Katie Doyle, Charlene Williams, John F. Rose, Jane Martin, Lena Peterson, Alan Johnson, Martha Vann, John Scott, Henry Ross, Charles G. Smith, Susie Gilbert, William Groggs, Susie Johnson, Alfred F. Hopkins, Kizzie Vann, Freddie Leoney, Lucy

Chouteau, Alice Durant, Mahaley Ward, Fred J. Thomas, Nettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Martin P. Powell, Stephen Dean, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Lecharé Bowles, Malinda Hurrell, Charles Cloggett, Samuel Irven, Mary Ross, Maggie Vann, Norma Vann, Ella Ross, Elizabeth Dunean, Sadie Adams, Georgeann Archer, John Cloggett, Nettie Smith, Jack Jackson, Lula Sanderson, George Henselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura Davis, John Buckner, James E. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McDowell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Holly Looney, John Groves, Malinda McAdair, Nettie Vann, Malinda Lott, Fannie Rogers, William Washington, Esquire Warren Green, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Lela Shivers, John Shipter, Martha Thompson, Ellen Sheppard and Lela Haller, as Cherokee citizens by intermarriage.

The Council, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and approval. The matter of the

Secretary will be able to give to you as soon as the Commission has
a statement of the case.

Respectfully,

(SIGNED) *Fame Dixby.*

Encl. R.F.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1906.

Refer in reply
to the following:
Land.
7908-1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1906, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Matham, Frances Walton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Glangott, Amanda Martin, Eliza Martin, John E. Barnes, Bell Lewis, Samuel Brown, Howard F. Watson, Jack McConnell, Rhoda Hanley, George Reed, Sr., Buck Lawson, Bell Thomas, Lewis Scott, Ida Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jate Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Hess, Charles C. Smith, Susie Gilbert, William Stokes, Susie Johnson, Alfred P. Hopkins, Elsie Vann, Freddie Leoney, Lucy Whorton,

Alice Durant, Mahaley Ward, Fred B. Thomas, Bettie Beck, Ellis Warren, Willie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Tayler, Henry Bykes, Larkin P. Powell, Stepney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington, Lane, Jane Brown, Samuel L. Young, John Backner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Hove, Beema Hove, Ella Ross, Elizabeth Dupon, Sadie Adams, Georgeson Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deakman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Mair, Robert Brown, Allie Chambers, Isaac Jones, Alice Carter, Katie Mair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Strong, John Smpter, Mariah Thompson, Ellen Sheppard, and Lula Nelson.

January 19, 1908, the Commission decided adversely to all the applicants.

The record shows that none of the applicants make claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been

-2-

enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. 3, 8842-1904) in the Lemuel Wilcox case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

G. F. LITTLE

Acting Commissioner.

E. H. K.
V.

D. C. 20677-1908
I. T. N. 2004-1908

(C O P Y)

W. C. P.
718

I. R. S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

April 17, 1908.

Committed on to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1908, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1908, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Mathews, Frances Walton, John Dutton, Mary Jane Vann, Thomas Love, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinke, William E. Hadden, Jane Hadd, Albert I. Thomas, Mary Campbell, Caroline Smith, Melvina Alberty, Dave Harris, Alexander Claggett, Amanda Martin, Eliza Martin, John A. Barnes, Bell Davis, Samuel Brown, Howard P. Watson, Jack McConnell, Emma Hanley, George Reed Jr., Jack Leeman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lupton, Thomas E. Allen, Lewis Vanderford, John L. Rawlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Reas, Charles C. Smith, Susie Gilbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Klaxie Vann, Freddie Leoney, Lucy Cheuteau, Alice Durant, Mahaley Vard, Fred D. Thomas, Bettie Beck, Ellis Warren, Willie Robinson, Mary Weber, Frances Martin, Mary Wiley, Emmanuel Taylor, Henry Sykes, Larkin P. Powell, Steppay Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary N. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Howles, Malinda Murrell, Charles Claggett, Samuel Irvon, Mary Ross, Maggie Hove, Neoma Hove, Ella Reas, Elizabeth Duncan, Gail Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Ma Zolrig, Klaxie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Dockman, James R. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vanny Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Guster, Katie Adair, Carrie Martin, Benjamin Clark, Billy Loney, John Groves, Matilda McHair, Rattie Vann, Nelson Lott, Fannie Rogers, William Washington, Equire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Fella McClain, Anderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Meltan.

Reporting in the matter March 21, 1906, the Indian
Office recommends that your decision be approved. A copy of
its letter is inclosed.

The Department concurs in said recommendation, and
your decision is hereby affirmed.

Respectfully,

I inclose

(Signed) T. O. WYAN
Acting Secretary.

COPY.

Cherokee Freedman

D-741.

Muskogee, Indian Territory, April 28, 1905.

Malinda Vann,

Lenapeh, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 12, 1905, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tame Dixby*
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 20, 1906

Ball, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 10, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 19, 1906.

Respectfully,

(SIGNED) *Tamm Bixby*
Chairman.

COPY

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

Tams Bixby.
Chairman.

Cherokee Freedman D 741

This certifies that Ellis Vann and Malinda Web were by me united in Marriage, Rev. J.S. Smith, according to the laws of the State of Indian Territory, on the 20th day of Nov. in the year of our Lord one thousand eight hundred 87, at Goose Neck, I. T.
Witnesses, Joel Starks & Julia Starks.

Rev. J.S. Smith.

Department of the Interior,

Commission to the Five Civilized Tribes.

Muskogee, I.T., June 19, 1902.

I, C. L. Nielsen, a stenographer to the Commission to the Five Civilized Tribes, hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application of Ellis Vann, et al. for enrollment as Cherokee Freedman, D. 741

CORRECTION

THESE DOCUMENTS

HAVE BEEN

REPHOTOGRAPHED

TO ASSURE

LEGIBILITY

This certifies that Ellis Vann and Malinda Web were by me united in Marriage, Rev. J.S. Smith, according to the laws of the State of Indian Ter'y. on the 20th day of Nov. in the year of our Lord one thousand 18 hundred 87, at Goose Neck, I. T.
Witnesses, Joel Starks & Julia Starks.

Rev. J.S. Smith.

Department of the Interior,
Commission to the Five Civilized Tribes.

Muskogee, I.T., June 19, 1902.

I, C. L. Nielenz, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application of Ellis Vann, et. al. for enrollment as Cherokee Freedmen, D. 741

COPY.

Cher. Fr. D-741.

THIS CERTIFIES THAT ELLIS VANN and MALINDA WEB were by me
united in MARRIAGE,

Rev. J. S. Smith,

According to the laws of the State of Indian Ter'y, on the 20th
day of Nov. in the year of our Lord one thousand 18 hundred 87
at Goose Neck, I. T.

Witnesses

Joel Starks & Julia Starks.

Rev. J. S. Smith.

Endorsed:

Department of the Interior,
Commission to the Five Civilized Tribes.

F I L E D

Jun 17 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 3, 1903.

Wm. Hutchinson, being first duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he copied the above
and foregoing certificate of marriage, and that same is a true copy
of the original on file in the office of the Commission.

Wm Hutchinson

Subscribed and sworn to before me this 3rd day of August, 1903.

Edward H. Morris
Notary Public.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis et al as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,
Henry Thomas,
Ella Vann,
Mary Markham,
Frances Melton,
John Dotson,
Mary Jane Vann,
Thomas Lowe,
Ella Mayfield,
Sallie Rider,
Reuben Campbell,
Van Jackson Luther,
Cassie Middleton,
Mary Harlin,
Nattie Fields,
John Kline,
William S. Madden,
Jane Beall,
Albert T. Thomas,
Mary Campion,
Caroline Daniels,
Mervin Avery,
Dave Morris,
Alexander Craygett,
Amanda Martin,
Eliza Martin,
John E. Barnes,
Belle Davis,
Samuel Brown,
Howard F. Watson,
Jack McConnell,
Maude Bailey,

[illegible]

George Reed, Sr.,
 Buck Ledman,
 Bell Thompson,
 Lewis Scott,
 Abe Scott,
 Kender Hampton,
 Thomas E. Allen,
 Lewis Vanderford,
 John L. Bowlin,
 Katie Davis,
 Charles Williams,
 John J. Rose,
 Jane Martin,
 Lena Peterson,
 Alex Johnson,
 Martha Vann,
 John Scott,
 Nancy Rose,
 Charles C. Smith,
 Susie Colbert,
 William Skaggs,
 Susie Johnson,
 Alfred P. Hopkins,
 Kizzie Vann,
 Freddie Looney,
 Lucy Chouteau,
 Alice Darant,
 Mahaley Ward,
 Fred D. Thomas,
 Bettie Beck,
 Ellis Warren,
 Millie Robinson,
 Mary Webber,
 Frances Martin,
 Mary Riley,
 Emanuel Taylor,
 Henry Sykes,
 Luckin P. Powell,
 Stegney Dawn,
 Malinda Vann,
 Frances Johnson,
 Annie Foster,
 Mary M. Rogers,
 George Washington Lane,
 Jane Brown,

Cherokee Freedmen D—382,
 Cherokee Freedmen D—406,
 Cherokee Freedmen D—411,
 Cherokee Freedmen D—420,
 Cherokee Freedmen D—421,
 Cherokee Freedmen D—422,
 Cherokee Freedmen D—423,
 Cherokee Freedmen D—424,
 Cherokee Freedmen D—426,
 Cherokee Freedmen D—444,
 Cherokee Freedmen D—455,
 Cherokee Freedmen D—473,
 Cherokee Freedmen D—474,
 Cherokee Freedmen D—484,
 Cherokee Freedmen D—490,
 Cherokee Freedmen D—493,
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 Cherokee Freedmen D—501,
 Cherokee Freedmen D—513,
 Cherokee Freedmen D—514,
 Cherokee Freedmen D—520,
 Cherokee Freedmen D—545,
 Cherokee Freedmen D—546,
 Cherokee Freedmen D—550,
 Cherokee Freedmen D—552,
 Cherokee Freedmen D—573,
 Cherokee Freedmen D—584,
 Cherokee Freedmen D—588,
 Cherokee Freedmen D—608,
 Cherokee Freedmen D—650,
 Cherokee Freedmen D—665,
 Cherokee Freedmen D—667,
 Cherokee Freedmen D—674,
 Cherokee Freedmen D—691,
 Cherokee Freedmen D—692,
 Cherokee Freedmen D—696,
 Cherokee Freedmen D—699,
 Cherokee Freedmen D—733,
 Cherokee Freedmen D—735,
 Cherokee Freedmen D—736,
 Cherokee Freedmen D—741,
 Cherokee Freedmen D—742,
 Cherokee Freedmen D—743,
 Cherokee Freedmen D—752,
 Cherokee Freedmen D—753,
 Cherokee Freedmen D—755,
 Cherokee Freedmen D—760,

Samuel Le Young,
John Buckner,
Willie Cox,
Leonard Bowles,
Mallinda Murrell,
Charles Claggett,
Samuel Irven,
Mary Ross,
Maggie Nave,
Neoma Nave,
Ella Ross,
Elizabeth Duncan,
Sadie Adams,
Georgiana Archer,
John Claggett,
Hattie Smith,
Jack Jackson,
Lula Sanders,
George Haselrig,
Lizzie West,
Maria French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Deckman,
James B. Perry,
Isaac Welsh,
Lawson Logan,
George Howell,
Henry Meier,
George Adams,
Annie Thomas,
Lewis McConnell,
Callie Vann,
Lon Peters,
Ida Adair,
Robert Brown,
Allie Chambers,
Jann Jones,
Alice Ginter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D-762,
Cherokee Freedmen D-780,
Cherokee Freedmen D-781,
Cherokee Freedmen D-787,
Cherokee Freedmen D-788,
Cherokee Freedmen D-789,
Cherokee Freedmen D-790,
Cherokee Freedmen D-791,
Cherokee Freedmen D-792,
Cherokee Freedmen D-808,
Cherokee Freedmen D-816,
Cherokee Freedmen D-840,
Cherokee Freedmen D-874,
Cherokee Freedmen D-880,
Cherokee Freedmen D-891,
Cherokee Freedmen D-892,
Cherokee Freedmen D-893,
Cherokee Freedmen D-894,
Cherokee Freedmen D-897,
Cherokee Freedmen D-898,
Cherokee Freedmen D-1010,
Cherokee Freedmen D-1039,
Cherokee Freedmen D-1062,
Cherokee Freedmen D-1067,
Cherokee Freedmen D-1078,
Cherokee Freedmen D-1082,
Cherokee Freedmen D-1085,
Cherokee Freedmen D-1105,
Cherokee Freedmen R-39,
Cherokee Freedmen R-45,
Cherokee Freedmen R-48,
Cherokee Freedmen R-50,
Cherokee Freedmen R-71,
Cherokee Freedmen R-82,
Cherokee Freedmen R-83,
Cherokee Freedmen R-84,
Cherokee Freedmen R-94,
Cherokee Freedmen R-96,
Cherokee Freedmen R-99,
Cherokee Freedmen R-100,
Cherokee Freedmen R-102,
Cherokee Freedmen R-104,
Cherokee Freedmen R-105,
Cherokee Freedmen R-106,
Cherokee Freedmen R-107,

Cherokee Freedmen R-108
Cherokee Freedmen R-110
Cherokee Freedmen R-117
Cherokee Freedmen R-119
Cherokee Freedmen R-122
Cherokee Freedmen R-126
Cherokee Freedmen R-129
Cherokee Freedmen R-131
Cherokee Freedmen R-134
Cherokee Freedmen R-138
Cherokee Freedmen R-142
Cherokee Freedmen R-146
Cherokee Freedmen R-148
Cherokee Freedmen R-156
Cherokee Freedmen R-165
Cherokee Freedmen R-178
Cherokee Freedmen R-181
Cherokee Freedmen R-184
Cherokee Freedmen R-211
Cherokee Freedmen R-220
Cherokee Freedmen R-227
Cherokee Freedmen R-242

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by ~~Benjamin~~ Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, ~~Ella Mayfield~~; by James Miller for his wife, Sallie Rider; by ~~Deacon~~ Campbell for himself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, ~~Carrie~~ Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, ~~Nellie~~ Fields; by John Kimbo for himself; by William W. Madder for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, ~~Mary~~ Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by ~~Elton~~ Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, ~~Bell~~ Davis; by Elton Brown for her husband, ~~Samuel~~ Brown; by Mary Ann Watson for her husband, Howard T. Watson; by Jack McConnell for himself; by ~~Maudie~~ Maudie for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by ~~Bell~~ Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lupton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Rosa; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Kiley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irvan for himself; by David Ross for his wife, Mary Ross; by George E. Nave for his wife, Maggie Nave; by Lewis Armistead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Henselrig for her husband, George Henselrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Cattie Vann; by Lon Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904); the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson, Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Belt Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles O. Smith, Susie Colbert, William Staggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Teylon, Henry Sykes, Larkin P. Powell, Stepney Daws, Melinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Neoma Nave, Ella Rice, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Annie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

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Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lulu Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 26, 1896, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

[SIGNED] TAMS BIXBY,
Chairman.
[SIGNED] T. B. NEEDLES,
Commissioner.
[SIGNED] C. E. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

Cher. Fr. R. 705

Trans. from C. F. D. 742

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 17, 1901.

In the matter of the application of David Johnson for the enrollment of himself as a Cherokee Freedman, and for his wife as an intermarried Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A David Johnson.
Q How old are you? A I guess I am about 35.
Q What is your post-office address? A Vinita.
Q What district do you live in? A Cooweescoowee District.
Q You apply to be enrolled as a Cherokee Freedman do you? A Yes sir.
Q Who do you want to enroll besides yourself? A I have got a wife.
Q What is her name? A Frances.
Q How old is she? A About 24.
Q Have you got any children? A No sir.
Q Are you a recognized citizen of the Cherokee Nation? A I have been.
Q Is your name on the roll of 1880? A I couldn't say.
Q What was your wife's father's name? A I couldn't really tell
Q What is her mother's name? A Now you are a little too hard for me.
Q Is your wife on the roll of 1880? A No sir.
Q Is she known as a state woman? A Yes sir.
Q When were you married to her? A I was married about, this will make seven years.
Q Have you got any children? A No sir.
Q Have you got any certificate of marriage? A No sir, when I was married there wasn't no certificates issued.
Q Where were you married? A At Vinita.
Q Did you get a license? A No sir, they wasn't issuing no license.
Q The court was issuing licenses? A No, when I was married this Arkansas court wasn't established and then and I went before Mr. John Duncan, he was clerk there then and I went to him and asked him for information for license and he told me if I had been recognized citizen why---
Q Well I don't care what Duncan said, who married you? A Man named McGee.
Q Is he living? A Yes sir.
Q You know where he lives? A He is south, but I couldn't tell just where he is.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant and name not found;
Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant found on
page 148 #3660 Dave Johnson, Cooweescoowee District;
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 192 #3501 David Johnson, (No district).

- Q What was your father's name? A Guv. Starr.
Q Is he living? A No sir.
Q What is your mother's name?
Is she living? A No sir.

Q Do you claim citizenship through your mother or your father?

A Through my mother.

Q How long has she been dead? A I was a child when she died.

Q Is her name on the roll of 1880? A I don't know sir.

Q Was she a slave, your mother? A Yes sir.

Q Who did she belong to? A She belonged to Jim, old Ben Johnson son, that was Jim Johnson.

Q Was he a Cherokee citizen? A Yes sir.

Q Was your mother taken out of the Nation during the war? A No sir, she was a slave when she died.

Q You have always lived in the Cherokee Nation yourself? A Yes sir, nowhere else since I was a baby, up to what I am, besides in the Cherokee Nation.

BY CHEROKEE REP'VE W. W. HASTINGS:

Q Where were you married? A At Vinita.

Q Have you ever lived any in Kansas? A No sir.

Q You went down south during the war? A Yes sir.

Q Do you remember going down there? A Well no sir, I was too small.

Q Do you remember anything of the incidents coming back? A Little bit.

Q You were quite small then? A Yes sir.

Q Of course you don't remember yourself the year? A No sir I couldn't tell you the year.

Q Who was along with you, do you remember that or not? A I think I can remember it yes sir, it was my father.

Q What was his name? A Guv. Starr. Was held slave by Cale Starr in Flint, and when Mr. Cale Starr returned back to the old place in Flint then my father helped Cale Starr drive his stock and things back.

Q And then he turned him loose? A Then we returned and we come back with my father.

Q And then you all come back with Cale Starr? A Yes sir.

Q You know Zeke Starr's wife at Tahlequah? A I was small.

Q Did you ever know her since? A No sir.

Q Did you ever know Charlie Starr, who died in Sequoyah District? A Yes sir.

Q Did you come along with him? A Yes sir.

Q Did you know Ellis Buffington, up in Flint, now Superintendent of the Female Seminary? A Yes sir.

Q That's the same man? A Yes sir.

Q Did you come back as he came? A Yes sir.

Q Did you live with him awhile? A Yes sir.

Q Where did you live first after the war? A I lived right on this side of Ft. Smith in the Territory, right back of a place, the old Benge farm, my father in his lifetime before he died attended old Benge's farm a year or two year, I don't remember which, I was getting up pretty good size boy, and after my father died Ellis Buffington's brother taken me away from my step-mother and taken me to Big Sallisaw.

Q Does Ellis Buffington know when you came back here? A He ought to know.

Q Did he come back with you? A That's something I couldn't tell.

Q How about your witness, Jerry Foster, did he come back with you?

A I think he did, I aint sure.

Q You have been living in the Nation ever since you came back? A Yes sir.

Q What about this other fellow, George Starr, did he come back with you? A He was held by the same man.

Q You don't know whether he came back with you or not? A No sir, not really particular.

Q You don't know about that? A No sir.

BY CHEROKEE REP'VE L. B. BELL:

Q Do you know what your mistress' name was? A Mary Jane Johnson.

Q She was a sister of old Cale Starr? A I think she was some relation of Cale Starr.

BY COM'R NEEDLES:

Q She was a Cherokee Indian? A Yes sir.

Q Who was your master? A It was old Cale Starr, she was a widow-old Jim Johnson- she married Jim Johnson, that was old Ben Johnson's son, and she married him and after he died that left me with her, Mary Jane Johnson, and my mother.

Q Did your mother belong to Mary Jane Johnson? A Yes sir.

Q Your father too? A No sir, my father belonged to differnet man. Belonged to Cale Starr.

Q Cale Starr was a Cherokee citizen was he? A Yes sir.

Q You don't recollect much about being taken out of the Nation, you was a child, a baby? A Yes sir, I was a small child.

Q You recollect that you was taken out? A Yes sir.

JERRY FOSTER, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jerry Foster.

Q How old are you? A I am about 50 somewhere along there I guess.

Q You are a recognized Cherokee Freedman? A Yes sir.

Q Your name on the roll of 1880? A Yes sir.

Q Do you know the applicant here, David Johnson? A I know him when he was a baby.

Q What is his father's name? A GUV.

Q His mother? A Jane.

Q Who did his mother and father belong to? A His mother be longed to Jim Johnson and his father belonged to Mrs. Starr.

Q They were Cherokee citizens? A Yes sir.

Q Indians? A Yes sir, Cherokee Indians.

Q You know, was this boy David taken out of the Nation during the war? A I think they went to the Choctaw Nation, I don't know.

Q Father and mother? A Yes sir.

Q You know when they returned? A No sir, I don't.

Q Don't know anything about that? A No sir.

Q You have been knowing David all his life? A Yes sir, I knowed him ever since he was a little kid.

Q He was born and raised in the Cherokee Nation? A Yes sir.

Q Born a slave? A Yes sir.

GEORGE STARR, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A George Starr.

Q How old are you? A I am 48.

Q What is your post-office? A Hayden.

Q Are you a Cherokee Freedman? A Yes sir.

Q Is your name of the roll of 1880? A No, none on but my oldest boy.

Q Do you know David Johnson, the applicant here? A Yes sir.

Q How long have you known him? A Ever since he was a boy.

Q What was his father's name? A Guy Starr.

Q What was his mother's name? A Jane Johnson.

Q Who did Guy Starr belong to? A Zeke Starr.

Q He was a slave then was he? A Yes sir.

David Johnson et al 4.

- Q Who did this applicant's mother belong to? A Jim Johnson.
Q Jim Johnson was a Cherokee citizen by blood? A Yes sir.
Q You know whereabouts the father and mother and himself were taken out of the Cherokee Nation during the war? A They went to the Choctaw Nation.
Q Did they take David along with them? A Yes sir.
Q You know when they came back? A They came back with Cale Starr, but I don't know when.
Q Have you known David all his life? A Yes sir.
Q Has he ever been out of the Nation since he came back? A No sir, only been out to the Choctaw Nation.

APPLICANT, DAVID JOHNSON, re-called, and further examined

BY COM'R NEEDLES:

- Q Was your wife a slave? A I think she was.
Q You don't know who her father and mother was, or anything about her? A No sir.
Q Have you got any proof of marriage to her? A I have got only the people.
Q Are they here? A No sir.
Q You were married before you married Frances? A Yes sir.
Q What was your wife's name? A Mintie.
Q Is she living? A Yes sir.
Q Did you get a divorce from her? A Yes sir, she went and married before I did.
Q But did you get any legal divorce from her? A Yes, she told me she was going to leave me.
Q Did you get a divorce in the courts? A No sir.
Q Was her name Mintie? A Mintie Vann.
Q You and her just separated and then you married Frances? A Yes sir.
Q Was Frances ever married before she married you? A No sir.
Q What was Frances' name before you married her? A McCoy.

Com'r Needles: David Johnson applies for the enrollment of himself and wife Frances; his name cannot be found upon the authenticated roll of 1880, but he is duly identified upon the Kern-clifton pay roll and the Wallace roll; he avers that he was married to one Frances McCoy, whom he avers to be a Cherokee Freedman, about 7 years ago; he presents no proof of his marriage; he also avers that he was formerly married to one Mintie Vann, from whom he was not divorced, and that she is still living; he avers that he is a child of Guy Starr and Jane Johnson, who were slaves, his father belonging to Cale Starr, and his mother to May Jane Johnson, Cherokee citizens; he avers that he was taken out of the Cherokee Nation when a child, now only being 35 years of age, and returned when he was a child, having been taken to the Choctaw Nation; he makes satisfactory proof as to his residence, he having lived in the Cherokee Nation all his life since his return; by reason of the fact that he is not upon the authenticated roll of 1880 and no satisfactory proof has been made as to the fact that he returned in time specified by the Treaty of '66, although he was a minor child when he was taken out and a minor when he returned, he will be now listed for enrollment as a Cherokee Freedman on a doubtful card.

He offers no testimony as to the citizenship of his wife, Frances, and makes no proof of his marriage, conse-

quently Frances McCoy will be duly listed for enrollment as a Cherokee Freedman on a doubtful card; he avers that his wife was what is known as a state raised woman, but makes no satisfactory proof of his marriage, and no proof whatever as to legal divorce having been obtained between him and his first wife, Mintie Vann; he having been separated from her, and she at this time being alive.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this June 25, 1901.

(Signed) T. B. Needles
Commissioner.

Maggie Kennedy, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 18th day of March 1905.

Myron White
Notary Public.

"R"

Cherokee Freedmen D 742.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 3, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION, in the matter of the application of David Johnson for the enrollment of himself and wife as Cherokee Freedmen.

Appearances:

W.W.Hastings, of attorneys for the Cherokee Nation.

BY COMMISSION: The Cherokee Nation by its attorneys makes satisfactory proof of service on said David Johnson that it would introduce testimony tending to disprove his right to enrollment as a Cherokee Freedman at the offices of the Commission on the 3rd day of March, 1902; applicant has this day to-wit: 3rd day of March, 1902, been called three times, and fails to respond, either in person or by attorney.

ELLIS W. BUFFINGTON, being first duly sworn and being examined testified as follows:

BY W.W.HASTINGS:

Q What is your name? A Ellis W. Buffington.

Q What is your age? A 53.

Q Do you know Cale Starr? A Yes sir.

Q When did he leave Texas after the war? A He left there in the winter of '65, in December, or January, 1866, I don't know exactly which; they didn't live right where we lived; we lived about forty miles apart. I think though it was December, 1865.

Q Did you overtake them on the road to the Cherokee Nation?

A Yes sir, in May '66, on Sans Bois in the Choctaw Nation.

Q Did you come on from the Choctaw Nation to the Cherokee Nation with Cale Starr? A Yes sir.

Q How long did you stay down on Sans Bois? A We stayed there during the summer of '66, from May until October or November.

Q Come on in the fall of '66? A Yes sir.

Q Into the Cherokee Nation? A Yes sir.

Q I will ask you if a colored man named David Johnson came with you and Cale Starr to the Cherokee Nation? A No sir.

Q How long after you were in the Cherokee Nation until you saw David Johnson? A Well it was in '68, I am pretty certain it was '68; my mother found him down there at Fort Smith on this side of the river, on the Jackson King farm, and brought him to our house, and that was the first time I saw him.

BY COMMISSION:

Q You don't know when he came back here? A No sir.

Q Was he in the Cherokee Nation when you first saw him? A Yes sir.

Q Any slaves came back with Cale Starr when he came in '66?

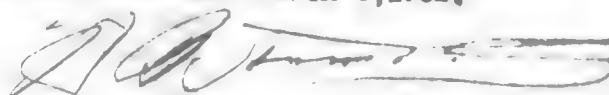
A There was two, one named Battiest Johnson and the other one was named a little girl, my grandmother raised, named Sallie.

Q What became of this Battiest Johnson? A I heard that he was dead; he did live up on Big Creek in Cooweescoowee; he was an uncle of this Dave Johnson.

Q Those are the only people that came with Cale Starr? A Yes sir. Only darkies.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this March 4, 1902.



Commissioner.

FILED
OCT 27 1908
COMMISSION TO FIVE TRIBES

Cher. Fr. D-742.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 24, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the
application for the enrollment of DAVID JOHNSON as a Cherokee
Freedman.

Appearances:

W. W. Hastings and L. B. Bell, Attorneys for Cherokee Nation

DAVID JOHNSON, being first duly sworn, and being examined,
testified as follows:

BY COMMISSION: State your name? A Dave Johnson.
Q How old are you? A I just really couldn't tell you how old I am.
Q Were you born since the close of the war? A Yes sir, just at the
beginning of the war, I think, somewhere near.
Q Were you born during the war, or before the war began? A That's
a little too hard for me to tell. My mother was a slave when I was
born, but I couldn't tell you anything about just when it was.
Q You don't know yourself whether you were born before or during
the war? A No sir.
Q Were you taken out of the Cherokee Nation during the war?
A No sir.
Q Never taken out at all? A Not as I know of, no sir.
Q Do you remember the war yourself? A No sir, not at all. I was
too small.
Q Then you couldn't remember whether you were taken out or not?
A No sir, I couldn't really say whether I was taken out or not.
Q Do you remember whether you and your parents came back with
Cale Starr or not? A Yes sir, that's what I was told, all returned
back.
Q You were always told you came back with Cale Starr after the close
of the war, you and your father and mother? A Yes sir.

Wm. Hutchinson, being first duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he correctly reported
the testimony and proceedings in this case, and that the foregoing
is a true and complete transcript of his stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 26th day of October, 1903.

Charles H. Sawyer
Notary Public.

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DEC 16 1904
COMMISSIONER OF THE FIRE DEPT.

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By the commission:

- Q Was this applicant here born before the war? A Yes, sir.
Q How long before the war? A He was a little bittie child when the war commenced.
Q About how old was he? A I guess eight or nine years old, to my best knowledge.
Q Where did he and his parents live when the war came up? A Up there in the Territory, belonged to Jim Johnson.
Q What Territory? A Cherokee Territory, Flint district.
Q Near what town? A Near Evansville.
Q And the applicant here was some eight or nine years old, you think, when the war came up? A I think he wasn't much older.
Q You know he was born before the war? A Yes, sir.
Q Do you know when he first came back to the Cherokee Nation after the war? A No, sir, not exactly.
Q When was the first time you ever saw him in the Cherokee nation after the war? A Been 10 or 12 or 13 years.
Q That is the first time you saw him after the war? A Yes, sir.

By Mr. Davenport:

- Q You say Dave and his mother belonged to Jim Johnson when the war broke out? A Yes, sir.
Q How far were you living from there? A No more than eight or nine miles.
Q Where is Jim Johnson now? A Lives right up above Sam Mayes' there.
Q Now? A He did then.
Q Before the war? A Yes, sir.
Q What side of grand river? A East side of grand river.
Q Dave nor his father or mother didn't belong to Jane Starr when the war broke out? A Belonged to them Starrs, and when Mrs. Starr died he went to Jim Starr's wife.
Q You said Jim Johnson while ago? A He belonged to Jim Johnson.
Q Did he and his mother belong to Jane Starr or Jim Johnson at the breaking out of the war? A His mother belonged to Jim Johnson; Jane Starr was Jim Johnson's wife.
Q Was Jane Starr living when the war broke out? A She was.
Q She was a Mrs. Johnson then? A Yes, sir.
Q Do you know who her mother and father were? A Old Starr was the father of her; old Ben Johnson was the father of Jim.
Q What was their father and mother's name, of course it was Starr?
A I don't know; I know Jim's father was named Jim.
Q I am asking you about the Starrs? A His wife was old Mrs. Starr's daughter.
Q Do you know whether or not Jane Starr had any brothers or sisters? A She had brothers.
Q What were their names? A John, Gale, Hickory, Buck.

Commission: This case will be continued until September 15, 1904.

H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 16th day of December, 1904.

Charles H. Sargent
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JULY 20, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of DAVID JOHNSON, ET AL., as Cherokee freedmen.

It appears that on July 6, 1904, the applicant and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on July 27, 1904, and then and there introduce further testimony touching the points mentioned in said letter, and the case is by agreement taken up this day.

APPEARANCES:

Applicant, David Johnson, appears in person and by attorney, J. Garfield Buell.
Cherokee Nation by its representative, James S. Davenport.

AMOS ADAIR, being first duly sworn, testified as follows on behalf of the applicants:

By the commission:

Q What is your name? A Amos Adair.

Q How old are you? A I am past 70.

Q What is your postoffice address? A Port Gibson.

Q Do you know the applicant in this case, David Johnson? A Yes, sir.

Q About how old is he? A Dave, I guess, let me see, he is about 40 years old.

Q How long have you known him? A I have been knowing him ever since he was a little boy.

Q Did you know his mother? A Yes, sir.

Q What was her name? A Jane.

Q Jane what? A Johnson.

Q Did you know his father? A Yes, sir.

Q What was his name? A Gubb Starr.

Q When did you first know the applicant's father and mother?

A Away in slavery time.

Q Before the war? A Yes, sir.

Q Were they both slaves of Cherokee citizens before the war? A Yes, sir.

Q Who did the applicant's mother belong to? A Jane Starr.

Q Who did his father belong to? A Old Mrs. Starr.

Q They were recognized Cherokees by blood, were they? A Yes, sir.

Q Do you know where the applicant's mother went during the war?

A No, sir, I don't.

Q Do you know when she first return to the Cherokee nation after the war? A No, sir, I don't know anything about that.

Q When did you first see her after the war? A I aint saw her since the war.

Q Is she living now? A She is dead, I suppose.

Q You have never seen her since away before the war? A No, sir.

By Mr. Buell:

Q When have you seen David since the war? A Lots of times, lived with him right here at yamita.

By the commission:

- Q Was this applicant here born before the war? A Yes, sir.
Q How long before the war? A He was a little bittis child when the war commenced.
Q About how old was he? A I guess eight or nine years old, to my best knowledge.
Q Where did he and his parents live when the war came up? A Up there in the territory, belonged to Jim Johnson.
Q What Territory? A Cherokee Territory, Flint district.
Q Near what town? A Near Evansville.
Q And the applicant here was some eight or nine years old, you think, when the war come up? A I think he wasn't much older.
Q You know he was born before the war? A Yes, sir.
Q Do you know when he first came back to the Cherokee Nation after the war? A No, sir, not exactly.
Q When was the first time you ever saw him in the Cherokee nation after the war? A Been 10 or 12 or 13 years.
Q That is the first time you saw him after the war? A Yes, sir.

By Mr. Davenport:

- Q You say Dave and his mother belonged to Jim Johnson when the war broke out? A Yes, sir.
Q How far were you living from there? A No more than eight or nine miles.
Q Where is Jim Johnson now? A Lives right up above Sam Hayes' there.
Q Now? A He did then.
Q Before the war? A Yes, sir.
Q What side of Grand river? A East side of Grand river.
Q Dave nor his father or mother didn't belong to Jane Starr when the war broke out? A Belonged to them Starrs, and when Mrs. Starr died he went to Jim Starr's wife.
Q You said Jim Johnson while ago? A He belonged to Jim Johnson.
Q Did he and his mother belong to Jane Starr or Jim Johnson at the breaking out of the war? A His mother belonged to Jim Johnson; Jane Starr was Jim Johnson's wife.
Q Was Jane Starr living when the war broke out? A She was.
Q She was a Mrs. Johnson then? A Yes, sir.
Q Do you know who her mother and father were? A Old Starr was the father of her; old Ben Johnson was the father of Jim.
Q What was their father and mother's name, of course it was Starr?
A I don't know; I know Jim's father was named Jim.
Q I am asking you about the Starrs? A His wife was old Mrs. Starr's daughter.
Q Do you know whether or not Jane Starr had any brothers or sisters? A She had brothers.
Q What were their names? A Fols, Gale, Hickory, Duck.

Commission: This case will be continued until September 15, 1904.

H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 16th day of December, 1904.

Charles L. Sawyer
Notary Public.

FILED
DEC 13 1904
COMMISSION TO FIVE TRIBES.

REPORT OF THE
Commissioner of the Five Tribes

REPORT OF THE COMMISSIONER OF THE FIVE TRIBES
FOR THE YEAR ENDING DECEMBER 31, 1904.

W. H. H. H.

REPORT OF THE COMMISSIONER OF THE FIVE TRIBES
FOR THE YEAR ENDING DECEMBER 31, 1904.

THIS CASE WAS HERE CONTINUED BY AGREEMENT TO DECEMBER 14, 1904.

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REPORT OF THE COMMISSIONER OF THE FIVE TRIBES
FOR THE YEAR ENDING DECEMBER 31, 1904.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., SEPTEMBER 15, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of DAVID JOHNSON ET AL., as Cherokee freedmen.

It appears that on August 10, 1904, notice by letter was sent to the applicant and to the attorneys for the Cherokee Nation that this cause would be opened for the hearing of further testimony on September 15, 1904.

APPEARANCES:

Applicant appears in person and by attorney, F. M. Smith.
Cherokee Nation by its representative, L. B. Bell.

JERRY FOSTER, being first duly sworn, testified as follows:

BY MR. SMITH:

- Q What is your name? A Jerry Foster.
- Q How old are you? A 50 some odd.
- Q Where do you live? A Cooweescoowee District.
- Q What is your post office address? A Eaton, I. T.
- Q Where were you raised? A In Flint District.
- Q Were you there during the war of the late rebellion? A I stayed there until the war and came to Fort Gibson during the war.
- Q You know the applicant Dave Johnson? A Yes sir before I knowed myself.
- Q Did you know his mother? A Yes sir.
- Q How long did you know her before the war? A I don't know how long.
- Q Were you a slave during the war? A Yes sir.
- Q Who did you belong to? A To the Fosters first and the last I belonged to Mr. Bell's sister, Betsy Bell.
- Q Who did Dave Johnson's mother belong to? A Ben Johnson, Jim Johnson's father.
- Q Who owned her at the time the war broke out? A Jim Johnson.
- Q Was she married at that time or not? A Yes sir she married Guff Starr.
- Q Was Guff Starr living at the breaking out of the war? A Yes sir.
- Q When did you last see Dave Johnson's mother? A I haven't seen her since they left, I think she died in the Choctaw Nation.
- Q When did she leave? A She left during the war.
- Q Who did she go with? A Jim Johnson.
- Q Where did they go to? A Choctaw Nation.
- Q You never saw her any more? A No sir.
- Q When did you see Jim Johnson again? A I never saw him any more, he died to.
- Q During the war? A Yes sir.
- Q When did you see Jim Johnson's wife again? A I never seen her any more.
- Q When did you see Dave Johnson? A It was along in the spring of 1867 I think, I saw him with Bufington down her on Ballisaw.
- Q Were Bufingtons related to Johnsons? A No sir to the Starrs.

- Q What was Buffington's first name? A Ellis.
- Q What size was Dave Johnson at the breaking out of the war? A I think two years old.
- Q When you saw him again with Buffington about what size boy was he? A About that high (indicating).
- Q About what age was he? A Must have been about 13, somewhere along there I think.
- Q You say that was in the spring of '67? A Yes sir.
- Q Do you know how long he had been back in the Cherokee Nation at that time? A No sir I don't, they claim that he had a farm there.
- Q The year before? A Yes sir.
- Q Who claimed that? A Ellis Buffington. I was talking to him about this boy and I asked him about his mother and he said she was dead.
- Q Did he tell you where she died? A I think he said in the Choctaw Nation.
- Q When after that did you see Dave again? A I never saw him until his uncle carried him up to Big Creek.
- Q Where you live now? A Yes sir.
- Q About how old was he then? A I couldn't tell just how old he was, he was a boy yet.
- Q Where has he lived since that time? A Up there on the creek, and at Vinita.
- Q How long after you saw him with Ellis Buffington before you saw him on Big Creek? A Must have been a year or so, his uncle went and got him.
- Q Went from Big Creek? A Yes sir.
- Q After you saw him when about two years old with his mother, you never saw his mother any more? A No sir.
- Q The next time you saw him he was with Buffington and you inquired about his mother? A Yes sir.
- Q How did you know that they went to the Choctaw Nation during the war? A I just know what Buffington told me.
- Q Did he tell you how long they had been there? A No sir I never asked him.
- Q Did you ask him when they went? A When they went there they started from home.
- Q Were you there when they started? A I was there when they left, I stayed there quite awhile.
- Q When you saw him with Ellis Buffington in the spring of '67, did you see his father? A No sir, they told me his father had been living down about Fort Smith. I never seen Guff any more.
- Q Do you know whether or not he was dead at the time you saw Dave at Buffington's? A No sir he wasn't dead then.
- Q Do you know how long after that before he died? A No sir I don't, he died afterwards.
- Q You learned from Buffington that his mother died between the time she left here and went to the Choctaw Nation and the time you saw Dave Johnson at Ellis Buffington's in the spring of 1867? A Yes sir.
- Q Did you know of Dave Johnson ever being out of the Territory to live? A No sir I don't, he hasn't since he has been back here.
- Q Are you related to Johnson in any way? A No sir not at all, just acquainted with him.
- Q Were the people that owned you related to the people that owned him? A No sir.
- Q How far did they live from you? A About half a mile.
- Q How long had you lived that close? A I was born there, I was there when Johnson married Mary Jane Starr.

BY MR. HELL:

- Q About what size was you when the war began? A I was pretty good size.
- Q 10, 12, 13, 14, or 15 years old? A Somewhere along there.
- Q Where were you living when the war broke out? A Right there on the old place, the other side of Sam Mayes' old place.

BY THE COMMISSION:

- Q You saw you knew both the father and mother of David Johnson?
- A Yes sir, I knew them both.
- Q The father was owned by whom? A By Mrs. Starr.
- Q And the mother by whom? A Jim Johnson.
- Q How far did you live from them at the beginning of the rebellion?
- A About half a mile or more.
- Q Where did you go during the rebellion? A I stayed there and then come here to Fort Gibson and stayed there until the war was over.
- Q You were not out of the Cherokee Nation during the rebellion?
- A No sir.
- Q You think this boy was born before the war began? A Yes sir he was born about two years before the war began.
- Q Was he born a slave? A Yes sir.
- Q Of his mother's owner? A Yes sir.
- Q Was he owned by -----? A Jim Johnson and Mary Jane.
- Q And they went down in the Choctaw Nation during the war? A Yes sir.
- Q And you don't know when the mother returned if she returned?
- A No sir, I think she died down there.
- Q In the Choctaw Nation? A Yes sir.
- Q You never did see her in the Cherokee Nation after the rebellion?
- A No sir.
- Q When did you see his father after the war? A I haven't seen his father at all.
- Q Do you know whether he returned to the Cherokee Nation? A I understood he was living in Fort Smith bottoms.
- Q In Arkansas? A No sir, Cherokee Nation.
- Q You don't know that of your own knowledge? A No sir.
- Q When was it you first saw this boy in the Cherokee Nation after the rebellion? A Along about the spring of '67.
- Q And he returned with whom? A Ellis Buffington the fellows name what he was staying with.
- Q Is Ellis Buffington living? A I guess he is, I don't know.
- Q You have testified in this case before haven't you? A Yes sir I have, of course I couldn't tell when they come back.
- Q What time in the spring of '67 do you think it was? A It was along in the spring, I don't know exactly what month.
- Q As late as May? A Somewhere along there.
- Q Where did you see them? A Down here on Sallisaw.

ELLIS STARR, being first duly sworn, testified as follows:

BY MR. SMITH:

- Q What is your name? A Ellis Starr.
- Q What is your age? A 31.
- Q What is your post office address? A Sallisaw.
- Q What was your father's name? A Buck Starr.
- Q How long have you been living at Sallisaw? A About eight years.

- Q Where did you live about the time of the breaking out of the Civil war? A In Flint District.
- Q How far from Sallisaw? A About 30 miles.
- Q Did you know a colored man by the name of Guff Starr? A Yes sir.
- Q Did you know him before the war? A Yes sir.
- Q Do you know whether or not he was married at the time of the breaking out of the war? A Yes sir.
- Q Who did he marry? A Jane Johnson, a colored woman.
- Q Who owned Guff Starr at the breaking out of the war? A My grand-mother, Polly Starr.
- Q Who owned his wife? A Jim Johnson.
- Q Did they have any children before the breaking out of the war or about that time? A One just about the beginning of the war.
- Q How old was he about that time? A He was just a baby.
- Q Boy or girl? A Boy.
- Q Did you know his name? A His name was Dave.
- Q How long did Dave Johnson live there after the breaking out of the war in that neighborhood? A I think it was about '61 when they first moved down close to Fort Smith out of Flint and still in the Cherokee Nation, and they moved on into the Choctaw Nation, and I was out there in '62 and I believe that Jane was dead but I saw Dave there. I know certain that she was dead but it seems to me that she was-----
- Q Did you see his father? A Yes sir he was there.
- Q How long did you stay there? A At that time I stayed five or six months, and my mother come and got me and in '66 I went back out there to me Aunts, Jim Johnson's wife, and stayed there until she moved across-----
- Q When did she move back? A In '66 in the fall like, September or October, made a crop there and then moved back.
- Q Was Dave with her at the time? A Yes sir I come across the river with him.
- Q How long did Dave stay with Mrs. Johnson? A I couldn't tell you for certain, I lived there and stayed with Uncle Hickory Starr, and I heard his father come and got him and taken him to Fort Smith, and I heard Guff died there, and Dave got back up to Aunt Betsy's, I saw him there.
- Q What time did you see him? A About '87 sometime.
- Q Do you know what became of him after that? A I heard his uncle come and got him, Reuben Johnson, and carried him off up in the northern part of the Nation somewhere.
- Q Did you ever see him after that? A No sir, not until now, I would know him by that eye.
- Q He is the same one is he? A Yes sir.
- Q You are a Cherokee are you? A Yes sir.

BY MR. REIL:

- Q Where were you living during the war? A I was part of the time in Washington County, and then went to Uncle Gale's and Aunt Mary Jane Johnson's.
- Q What year was you at San Bois? A I think about '62, along in the fall of '62 that I left there and come back to Fort Smith.
- Q You stayed at Fort Smith the balance of the war? A Yes sir.
- Q What makes you think it was '66 that Mrs. Johnson moved back?
- A The reason was that it was the next year after peace, and I went over there and I was 13 years old, and the next year I worked for Uncle Henry in '67, and I kept run of the time all the way along.

- Q When Mrs. Johnson moved back did she stop at your mother's?
A No sir, my mother still lived at Fort Smith, when we crossed the river we crossed in sections, s e moved right on to that old place where Charley Starr lived, that is where she brought Charlie
Q I thought you were at Fort Smith? A I went to Aunt Mary Jane's and come down there after the war . She was there then that she brought Uncle Jim Johnson, her husband there in '65 after he died, she went back out there, and it was in the spring of '66 her and Uncle Hickory' wife, Aunt Sally come down there in a wagon, and Aunt Sally taken sick and died down there, and Aunt Mary Jane taken me back down there.
Q Tell where San Bois was? A Right where it has been all of the time. San Bois is a creek down there, it is about 30 or 35 miles from Fort Smith.
Q Where did you come into the Cherokee Nation at? A We crossed right there just below the mouth of Vian Creek.
Q And that is where your Aunt brought the applicant here across to the country? A Yes sir.
Q And that was in what year? A '66.

BY THE COMMISSION:

- Q This Mrs. Johnson and her husband, did they go to the State of Texas during the rebellion? A I don't know whether they went acrosss into Texas or not, not to my knowing, they may have, they were on Red River.
Q And Mrs. Johnson and her husband came to Fort Smith in '65?
A Yes sir.
Q Did they have Dave Johnson with them at that time? A No sir they never brought Dave down there.
Q Who brought Dave Johnson into the Cherokee Nation after the rebellion? A Aunt Mary Jane Johnson.
Q Did she go back down there and get him? A She went back and lived out there ~~with him~~ after her husband died; she just had him there to the doctor.
Q When did she leave Fort Smith to go back to the Choctaw Nation, or wherever it was down there? A I think it was in the fall of the year, they were not there very long, until Uncle Jim died, and then she went back.
Q Do you think it was in the fall of '65? A Yes sir.
Q And how long do you think they were down there before they returned bringing the applicant with them? A It was pretty nigh a year if it was in the fall, that is my recollection that it was in the fall.
Q Who else came with her? A One of her brothers, Zeke Starr.
Q Zeke Starr came back with her at the time Dave Johnson came?
A Yes sir, and my father, Buck Starr, was with her.
Q Did Gale Starr come in that bunch? A They were moving about the same time, Uncle Gale crossed the river at the same place about the same time.
Q The applicant, Dave Johnson, to your knowledge was born a slave prior to the beginning of the rebellion? A Yes sir just about the beginning of the rebellion.
Q Do you know when Ellis Buffington returned to the Cherokee Nation? A Yes sir.

-6-

Q Did he come back in that same party? A Along about the same time. They all lived in the settlement together there in the Choctaw Nation, I think him and his mother moved over a little before the others come.

This case was here continued by agreement to November 14, 1904.

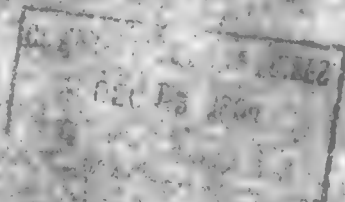
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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct copy of his stenographic notes thereof.

H. M. Vance

Subscribed and sworn to before me this 13 day of December, 1904.

Charles L. Lamm
Notary Public.



Cherokee Freedman-D-742.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I.T. November 14, 1904.

SUPPLEMENTAL PROCEEDINGS on the matter of the application
for the enrollment of David Johnson as a Cherokee Freedman.

On October 14, 1904, the applicant was notified by registered mail, and on October 25, 1904, the attorneys for the Cherokee Nation were notified by letter, that the application for the enrollment of David Johnson as a Cherokee Freedman, would be taken up by the Commission to the Five Civilized Tribes at its offices in Muskogee, Indian Territory, on the 14th. day of November 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration.

Now on this 14th. day of November, 1904 this case coming on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

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H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 14th. day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H. M. Vance

Subscribed and sworn to before me this the 19 day of December, 1904.

Charles H. Sawyer
Notary Public.

Cherokee Freedmen

D-742,

Muskogee, Indian Territory, August 10, 1904.

David Johnson,

Vinita, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, in which case you have heretofore introduced supplemental testimony, you are advised that you will be permitted to again appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, September 15, 1904, and introduce such testimony of such witnesses as you may be able to procure, tending to show the time of your mother's return to the Cherokee Nation after the close of the war of the rebellion.

Respectfully,

Register

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-742.

Muskogee, Indian Territory, December 15, 1904.

F. M. Smith,

Attorney for David Johnson, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on September 15, 1904, in the matter of the application for the enrollment of David Johnson, et al., as Cherokee freedmen, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

SIGNED

Tamas Bixby

Chairman.

Incl. 2-90.

Register.

COPY.

Cherokee Freedmen
D-742, et al.

Muskogee, Indian Territory, December 15, 1904.

Ball, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There are herewith inclosed copies of supplemental
testimony taken at Muskogee, Indian Territory, in the following
Cherokee freedmen cases:

Freedmen D-742-----	David Johnson, et al.,
Freedmen D-720-----	Amy Shields,
Freedmen D-61-----	Jesse Oar,
Freedmen R-351-----	Ida Johnson, et al.,
Freedmen D-1151-----	Henry Taylor, et al.,
Freedmen D-33-----	Pauline Hill, et al.,
Freedmen R-346-----	Jacksie Ann Markham, et al.

Respectfully,

Incl. S-93.

(SIGNED) *Tame Bixby.*
Chairman.

COPY.

Cherokee Freedman
D-742.

Muskogee, Indian Territory, December 19, 1904.

J. Garfield Buell,

Attorney for David Johnson, et al.,

Muskogee, Indian Territory.

Dear sir:

There is herewith enclosed copy of supplemental testimony taken at Muskogee, Indian Territory on July 26, 1904, in the matter of the application for the enrollment of David Johnson, et al., as Cherokee Freedmen, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

Encl. OG-58.

SIGNED. *Fame Bixby*
Chairman.

COPY.

Muskogee, Indian Territory, December 19, 1904.

Bell, Hastings & Davenport,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There are herewith enclosed copies of supplemental testimony taken at Muskogee, Indian Territory, in the following Cherokee Freedman cases:

Cherokee Freedman D-979 and 980, Anna Peterson, et al.

Cherokee Freedman R-5, George Amos Mayfield, et al.

Cherokee Freedman D-481, Elizabeth Dungan, et al.

Cherokee Freedman D-144, Lewis A. Pohl.

Cherokee Freedman D-742, David Johnson, et al.

Cherokee Freedman D-376, Joe Lynch, et al.

Cherokee Freedman D-888, Hannah Ross.

Respectfully,

Encl. 09-57.

SIGNED.

James Bixby.
Chairman.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. NEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY IN REPLY TO THE FOLLOWING:

Sherokee Frances
B-742.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 24, 1908.

Frances Johnson,
Vinita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 12, 1908, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage."

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-82.

Register.

Chairman.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Ball, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Harbham, Frances Helton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Nellie Rider, Emma Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinke, William S. Madden, Jane Mean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Waggett, Amanda Martin, Eliza Martin, John E. Barnes, Bill Davis, Samuel Brown, Howard S. Watson, Jack McConnell, Hando Kinney, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Ann Scott, Kemler Hampton, Thomas E. Allen, Lewis Vanderford, John T. Davis, Katie Davis, Charles Williams, John E. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Mary Euse, Charles S. Smith, Susie Colbert, William Staggs, Susie Johnson, Alfred F. Hopkins, Minnie Vann, Freddie Loney, Lucy

Cheuteau, Alice Durant, Mahaley Warr, Fred J. Thomas, Bettie Bank,
 Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary
 Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dunn,
 Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers,
 George Washington Lane, Jane Brown, Samuel L. Young, John Buckner,
 Willis Cox, Leonard Davies, Malinda Murrell, Charles Claggett,
 Samuel Irvan, Mary Rose, Maggie Hays, Keena Hays, Ella Rose,
 Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett,
 Mattie Smith, Jack Jackson, Lula Sanders, George Haysirig, Lizzie
 West, Maria French, Mary Johnson, Maggie Vann, William Hudson,
 Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James
 E. Perry, Isaac Welch, Lawren Logan, George Howell, Henry Masir,
 George Adams, Annie Thomas, Louis McDowell, Callie Vann, Lou
 Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones,
 Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily
 Leoney, John Groves, Mattie McKelr, Mattie Vann, Nelson Lett,
 Fannie Rogers, William Washington, Squire Warren Evans, Fannie
 Goldsby, Susan Daniels, Margaret Cook, David Lane, Felix McClain,
 Henderson Jones, Belle Vann, Levi Warrand, John Hunter, Martha
 Thompson, Ellen Sheppard and Lela Holton, as Cherokee citizens
 by intermarriage.

The decision, together with the record of proceedings
 had in the case, has this day been transmitted to the Secretary
 of the Interior for his copying and retention. The action of the

Secretary will be much obliged to you as soon as the documents are
received of the same.

Respectfully,

Signed, *Tamr Dixby*

Whatman.

Inc. K-0.

COPY.

Cherokee Freedmen
3-14 98 M.

Muskogee, Indian Territory, January 21, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Mathews, Frances Nelson, John Johnson, Mary Jane Vann, Thomas Lewis, Ella Hayfield, Ballie Rider, Reuben Campbell, Van Jackson Leather, Cassie Middleton, Mary Harlin, Willie Fichter, John Kinbo, William S. Hadden, Sam Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, George Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard T. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Reek Lathan, Bell Thompson, Lewis Scott, Abe Scott, Roder Hampton, Thomas E. Allen, Lewis Vanderford, John L. Berlin, Katie Davis, Charles Williams, John J. Ross, Jess Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susan Colbert, William Higgs, Katie Johnson, Alfred F. Hopkins, Elsie Vann, Freddie Lecky, Mary Chautau, Alice Jurett, Rebecca Ward, Fred J. Thomas, Mattie Beck, Ella Warren, Willie Robinson, Mary Morris,

Frances Martin, Mary Riley, Nathaniel Taylor, Henry Brown, Lydia E.
 Powell, Stepmay Law, Malinda Vann, Frances Johnson, Annie Foster,
 Mary H. Rogers, George Washington Lane, John Brown, Samuel L. Young,
 John Buckner, Willis Cox, Leonard Bowles, Malinda Russell, Charles
 Claggett, Samuel Irvon, Mary Ross, Maggie Ross, Emma Ross, Ella
 Ross, Elizabeth Duncan, Sadie Adams, Georgeanna Archer, John Claggett,
 Hattie Smith, Jack Jackson, Lula Sanders, George Edwards, James
 West, Maria French, Mary Johnson, Maggie Vann, William Russell, John
 Rogers, Abraham Ballard, Laura David, John Thomas, James E. Davis,
 Isaac Welch, Lawson Ingram, George Russell, Henry Smith, George
 Adams, Annie Thomas, Emma Russell, Callie Vann, Lee Rogers,
 Lee Blair, Robert Brown, Alice Chambers, Emma Jones, Alice Smith,
 Katie Blair, Corrie Martin, Benjamin Clark, Emily Lewis, John
 Graves, Matilda Blair, Bettie Vann, Nelson Lett, Emma Smith,
 William Washington, Squire Warren Jones, Fannie Adams, John
 Daniels, Anderson Turk, David Lane, Felix McClain, Benjamin
 Jones, Nellie Vann, Levi Brown, John Senter, Harish Thompson,
 Ellen Sheppard and Lula Maitan, as citizens citizens by common
 marriage, including the Commission's opinion dated January 19,
 1903, rejecting said applications.

Respectfully,

SIGNED

Tame Dixby.

Commissioner

Encl. 1-2.

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1906.

Refer in reply
to the following:
Land.
7908-1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for the enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Waggott, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McCannell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles G. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Elsie Vann, Freddie Looney, Lucy Chautau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley,

Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvon, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Shoppard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none

is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Lendel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

(C O P Y)

D. C. 20877-1905
I.T. D. 2904-1905

W C F
F H E

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L R S

April 17, 1905

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack Mc Connell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert,
William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizale Vann,
Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley ward,
Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances
Johnson, Annie Foster, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
Bowles, Malinda Murrell, Charels Claggett, Samuel Irven, Mary
Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Hattie smith,
Jack Jackson, Lula ganders, George Hazelrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Deckman,
James B. Perry, Isaac welch, Lawson Logan, George Howell,,
Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers
Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin
Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann,
Nelson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Goldsby Susan Daniels, Anderson Turk, David Lane,
Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John
Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS RYAN
Acting Secretary.

1 inclosure

COPY.

Cherokee Freedmen

D-742.

Muskogee, Indian Territory, April 28, 1905.

Frances Johnson,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *James Bixby*
Chairman.

COPY.

Cherokee Freedmen

B-14, et al.

Muskogee, Indian Territory, April 28, 1906

Bell, Hastings & Newcomb,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 19, 1906.

Respectfully,

(SIGNED) *Jane Bixby.*
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 23, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

Cherokee
P.R. 708.

Muskogee, Indian Territory, July 17, 1906.

Watts & Curtis,

Sallisaw, Indian Territory.

Gentlemen:

In reply to your letter of July 9, you are advised the records of this office show that the application of one Frances Johnson for enrollment as citizen (Freedman) by intermarriage of the Cherokee Nation was denied by the Commission to the Five Civilized Tribes and its action approved by the Secretary of the Interior April 17, 1905. The records of this office fail to show that any motion to reopen or review said case has been filed.

Respectfully,

Commissioner.

JBN

Winola Indian Territory, 12/19/1904

RECEIVED OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in The matter of the en-

-rollment of Dene Johnson et al

F. M. Smith

Attorney for Applicant.

McKague Indian Territory Dec 21 1904

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED

TRIBES one copy of the testimony in 8. 742

Daniel Johnson

J. Garfield Bruce
Attorney for Applicants.

X 7742

F. D. 742

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on Dave Johnson

by delivering a true copy thereof on the

27 day of Feb A. D. 1902

Given under my hand this 27

day of Feb A. D. 1902

Round Stone
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of, 190....

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

Dave Johnson
on the 27 day of Feb A. D. 1902

Round Stone
Subscribed and sworn to before me

this 27 day of Feb 1902

J. B. White
Notary Public.

DEPARTMENT OF THE INTERIOR -
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 28 1902

[Signature]
ACTING CHIEFMAN.

NOTICE!

IN THE MATTER OF the application of David Johnson, Vinita, I. T.
for enrollment as Cherokee Freedmen:

Case No. F. D. 742.

To David Johnson:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 3rd, 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb. 26, 1902.

L B Bell

W. W. Hastings

James B. ...
Attorneys for the Cherokee Nation.

B

JUN 17 1901

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES:
FILED
JUN 17 1901


ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

Post Office

District

June 17, 1901
Vinita, T.
Leos1. Name David Johnson Age 35

Owner's name

Citizenship

Year

Page

No

District

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife Francis Johnson Age 24

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by

Ms. 1

Stenographer

M. D. Green

1. On K.C. roll as David Johnson
 1. "Wallace" Page 192 * 3501

San Antonio
FILED
MAR 23 1902

[Signature]
S. H. HARRIS

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. David Johnson,

Winata, I. T.

1902-1-3-7426

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Department of the Interior. Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,
Henry Thomas,
Ella Vann,
Mary Markum,
Frances Metou,
John Doleen,
Mary Jane Vann,
Thomas Lowe,
Ella Maynard,
Sally Rider,
Reuben Campbell,
Van Jackson Luther,
Carrie Middleton,
Mary Turner,
Nellie Fields,
John Kinbo,
William S. Marden,
Jacob Dean,
Albert T. Thomas,
Mary Campbell,
Caroline Darden,
Melvin A. Gentry,
Dave Morris,
Alexander Chaggett,
Amanda Martin,
Ella Martin,
John E. Bann,
Ben Davis,
Sandra Brown,
Howard T. Watson,
Jack McCaskey,
Maudie Brown,
John Brown,

Cherokee Freedmen D-14,
Cherokee Freedmen D-15,
Cherokee Freedmen D-16,
Cherokee Freedmen D-17,
Cherokee Freedmen D-18,
Cherokee Freedmen D-19,
Cherokee Freedmen D-20,
Cherokee Freedmen D-21,
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Cherokee Freedmen D-98,
Cherokee Freedmen D-99,
Cherokee Freedmen D-100,

George Reed, Sr.,
 Buck Ledman,
 Bell Thompson,
 Lewis Scott,
 Abe Scott,
 Kender L. Hampton,
 Thomas E. Allen,
 Lewis Vanderford,
 John L. Bowlin,
 Katie Davis,
 Charles Williams,
 John J. Rose,
 Jane Martin,
 Lena Peterson,
 Alex Johnson,
 Martha Nann,
 John Scott,
 Nancy Reas,
 Charles G. Smith,
 Susie Colbert,
 William Skaggs,
 Susie Johnson,
 Alfred P. Hopkins,
 Kissie Vann,
 Freddie Looney,
 Lucy Chouteau,
 Alice Darant,
 Mahaley Ward,
 Fred D. Thomas,
 Bettie Beck,
 Ellie Warren,
 Millie Robinson,
 Mary Webber,
 Frances Martin,
 Mary Riley,
 Emanual Taylor,
 Henry Sykes,
 Larkin R. Rowell,
 Stepmay Davis,
 Malinda Vann,
 Frances Johnson,
 Annie Foster,
 Mary H. Rogers,
 George Washington Lane,
 Jane Brown,

Cherokee Freedmen D—382,
 Cherokee Freedmen D—406,
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 Cherokee Freedmen D—423,
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 Cherokee Freedmen D—753,
 Cherokee Freedmen D—755,
 Cherokee Freedmen D—760,

Samuel L. Young,
John Buckner,
Willie Cox,
Leonard Bowles,
Malinda Murrell,
Charles Claggett,
Samuel Irvon,
Mary Ross,
Maggie Nave,
Neoma Nave,
Ella Ross,
Elizabeth Duncan,
Sadie Adams,
Georgeann Archer,
John Claggett,
Hattie Smith,
Jack Jackson,
Lula Sanders,
George Hazelrig,
Lizzie West,
Maria French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Deckman,
James B. Perry,
Isaac Welch,
Lawson Logan,
George Howell,
Henry Masip,
George Adams,
Annie Thomas,
Lewis McConnell,
Callie Vann,
Lou Peters,
Ida Adair,
Robert Brown,
Allie Chambers,
Isaac Jones,
Alice Gunter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D—761,
Cherokee Freedmen D—780,
Cherokee Freedmen D—781,
Cherokee Freedmen D—787,
Cherokee Freedmen D—788,
Cherokee Freedmen D—789,
Cherokee Freedmen D—798,
Cherokee Freedmen D—799,
Cherokee Freedmen D—808,
Cherokee Freedmen D—816,
Cherokee Freedmen D—840,
Cherokee Freedmen D—871,
Cherokee Freedmen D—880,
Cherokee Freedmen D—901,
Cherokee Freedmen D—912,
Cherokee Freedmen D—922,
Cherokee Freedmen D—938,
Cherokee Freedmen D—973,
Cherokee Freedmen D—987,
Cherokee Freedmen D—999,
Cherokee Freedmen D—1010,
Cherokee Freedmen D—1039,
Cherokee Freedmen D—1062,
Cherokee Freedmen D—1067,
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Cherokee Freedmen D—1082,
Cherokee Freedmen D—1085,
Cherokee Freedmen D—1105,
Cherokee Freedmen R— 39,
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Cherokee Freedmen R—102,
Cherokee Freedmen R—104,
Cherokee Freedmen R—105,
Cherokee Freedmen R—106,
Cherokee Freedmen R—107,

Benjamin Clark,
Emily Looney,
John Groves,
Matilda McNair,
Bettie Vann,
Nelson Lett,
Fannie Rogers,
William Washington,
Squire Warren Owens,
Fannie Goldeby,
Susan Daniels,
Anderson Turk,
David Lane,
Felix McClain,
Henderson Jones,
Belle Vann,
Levi Stroud,
John Sumpter,
Mariah Thompson,
Ellen Sheppard,
Lula Melton,

Cherokee Freedmen R—108,
Cherokee Freedmen R—110,
Cherokee Freedmen R—119,
Cherokee Freedmen R—147,
Cherokee Freedmen R—129,
Cherokee Freedmen R—126,
Cherokee Freedmen R—130,
Cherokee Freedmen R—131,
Cherokee Freedmen R—143,
Cherokee Freedmen R—144,
Cherokee Freedmen R—146,
Cherokee Freedmen R—146,
Cherokee Freedmen R—155,
Cherokee Freedmen R—165,
Cherokee Freedmen R—173,
Cherokee Freedmen R—181,
Cherokee Freedmen R—186,
Cherokee Freedmen R—211,
Cherokee Freedmen R—230,
Cherokee Freedmen R—237,
Cherokee Freedmen R—247.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, Carrie Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William W. Wadden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert P. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Patton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barber for himself; by Joe Davis for his wife, Bell Davis; by Eden Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard P. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr. for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Kiley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Steppay Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irvon for himself; by David Ross for his wife, Mary Ross; by George E. Nave for his wife, Maggie Nave; by Lewis Annstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lela Sanders; by Mary Hazeltig for her husband, George Hazeltig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Jessie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Louis for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 331).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Sessie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perty, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stread, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

REGISTERED
FEB. 2 1917
WINITA, IND. TER.

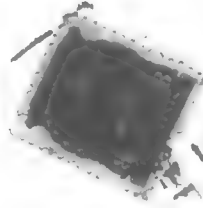
Department of the Interior.
Commission to the Five Civilized Tribes,
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Frances Johnson,

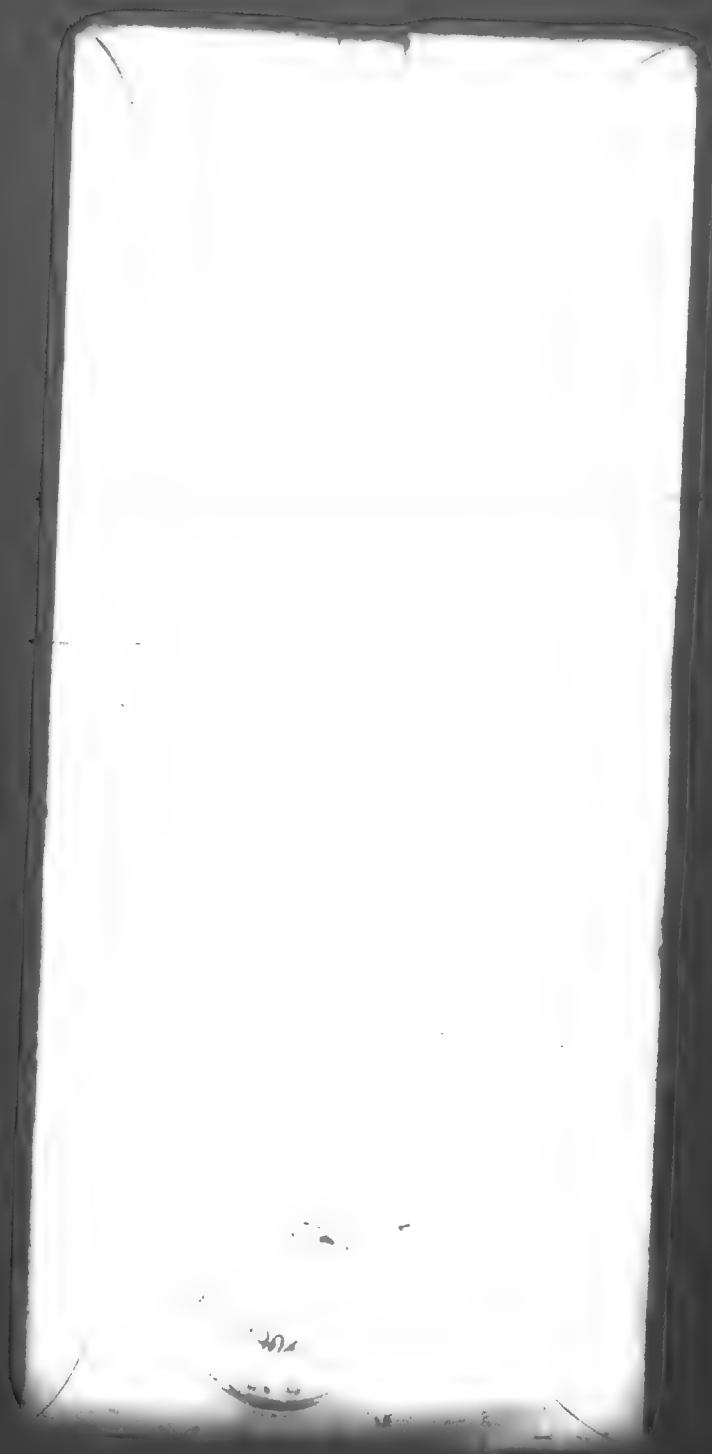
Vinita, Indian Territory.

open thru mytoke

Francis Johnson

Wm B. G. Mistake, by Francis Johnson

Chas. D. 742



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

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Return to Writer
Unclaimed.

~~David Johnson,~~

~~Vinita, Indian Territory.~~

REGISTERED
OCT 18 1904
MUSKOGEE, IND. TER.

Cher. Fr. R. 706

Trans. from C. F. D. 743

Cher. Fr. R. 706

File with Annie Foster, doubtful C.F.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 17, 1901.

In the matter of the application of Phillip Foster for the enrollment of himself, his wife and four children as Cherokee Freedmen, his wife as a Cherokee Freedman by intermarriage.

Phillip Foster being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Phillip Foster.
Q How old are you? A About 48 or '9, I don't know exactly.
Q What is your post office address? A Dewey.
Q What district do you live in? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to have enrolled besides yourself? A Myself and four children.
Q What is your wife's name? A Annie.
Q Is she living? A Yes, sir.
Q What was her name before you married her? Is she a citizen?
A No, sir.
Q You don't apply for her? A No, sir.

Commissioner: Well, you had better apply for your wife; you don't know what might happen; they are applying for the all over the country.

- Q What are the names of your children? A George Washington.
Q How old is George W.? A 18.
Q What is the next one? A Walter.
Q How old is Walter? A 14.
Q What is the next one? A Arthur.
Q How old is Arthur? A 8.
Q What is the next one? A Asa.
Q How old is Asa? A 3.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant Phillip Foster identified thereon, page 108, No. 1075, Cooweescoowee district, as Phil Foster.

The 1896 census roll of Cherokee Freedmen examined and the applicants identified thereon as follows:

Phillip Foster on page 404, No. 188, Cooweescoowee district;
George W. Foster on page 404, No. 189, Cooweescoowee district;
Walter Foster on page 404, No. 190, Cooweescoowee district;
Arthur Foster on page 404, No. 191, Cooweescoowee district.

- Q When were you married? A Married in 1884.
Q Were you ever married before you married Annie here? A No, sir.
Q Is she your first wife? A First wife, yes, sir.
Q You are her first husband? A No, I am her second.
Q Was her first husband living when you married? A She had quit, they parted; he had been married again a couple of years.
Q Do you know whether she got a divorce? A No, sir, I don't know whether she did or not.
Q Well then the truth of this business, you say you were married in 1880 and been living continuously with this woman since that time?
A Yes, sir.
Q What was your wife's first husband's name? A Randolph White.
Q Is she here? A No, sir, she is sick.
Q And you don't know whether Randolph White and Annie your wife were ever divorced or not? A No, sir.
Q Do you know whether they were married? A They married, they said they did, I wasn't there and it might be they married like most of them done in them times, just taken up together.
Q Did she have any children when you married her? A She has three, two by him.
Q She had another husband, did she? A I don't know whether it was her husband or not.

Annie Foster - 2.

By W. W. Hastings, Cherokee attorney: How long did your wife live with her former husband, as husband and wife? A I can't tell you that.

Q How long did you know her before your married her? A I know her two or three years, somewhere along there.

Q Was she living with this man at that time? A Yes, she was living with him then, she was living with him a while, I don't know how long they lived together, but they parted two or three years before we married.

Q You don't know how long she lived with him as husband and wife?

A No, sir.

Q She had two children by him? A Yes, sir.

Commissioner: You know they were by him? A She said they was, I wasn't there.

Q Now what proof have you got of your marriage to Annie, your present wife? A I have got a certificate here (hands Commissioner paper.)

Commissioner: The applicants presents a marriage certificate certifying that he and Miss Annie White were married on the 18th of September, 1884, at the residence of the bridegroom, according to the laws of the State of Kansas.

Q Were you living in Kansas when you married? A No, sir, I was living here, the man lived in Kansas that married us.

Q Where did he marry you? A Married me right here in the Nation.

Q You and Annie been living together continuously ever since?

A Yes, sir.

Q Living together now? A Yes, sir.

Q Annie is the mother of all these children, is she? A Yes, sir.

Mr. Hastings: This is the correct date of your marriage?

A Yes, that is what the man gave us that married us.

Q And this woman is the mother of all your children that you have applied for? A Yes, sir.

Q Now you have given the age of one of them as 18, the oldest?

A That is my oldest child.

Q Is that your oldest child by this woman? A I took it like the old Indian law was, we lived together a while before we married here.

Q Then this child was born before you married her? A Before I lawfully married her.

Commissioner: George W. was born before you were lawfully married to your wife, this woman? A Yes, sir.

Q And she was a non citizen? A Yes, sir.

Q Have you got any certificate of birth as to this youngest child, Asa? A No, I have her age down in the bible at home.

Q You haven't got any proof of birth yet? A No, sir.

Commissioner: Phillip Foster applies for the enrollment of himself and four children, to-wit, George W., Walter, Arthur, and Asa. He also applies for the enrollment of his wife, Annie, as a citizen by intermarriage. He makes proof of his marriage to said wife, by a certificate that he files, certifying that he was married on the 18th of September, 1884. He avers that his wife lived with a man, Randolph White, but whether she was married to him or not he does not know, but they lived together for two or three years as man and wife. He avers that his oldest child, George W., was born before his marriage with his present wife, Annie, he himself never having been married before. He avers that his three younger children, Walter, Arthur and Asa, were born since the marriage. He is duly identified upon the authenticated roll of 1880, as well as the census roll of 1880. His three oldest children are duly identified upon the roll of 1880 according to page and number of the roll as indicated in the testimony. He makes

Annie Foster - 3.

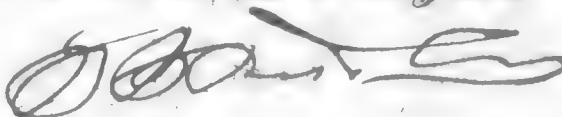
satisfactory proof as to his residence. He makes no satisfactory proof as to the birth of his youngest child, Asa, it having been born after the said rolls were compiled, and it will be necessary for him to file satisfactory proof of its birth. Said Phillip Foster will be listed for enrollment as a Cherokee Freedman. His wife's name will be listed for enrollment as an intermarried Cherokee Freedman on what is known as a doubtful card. His four children as enumerated herein will be listed for enrollment as Cherokee Freedmen, but it will be necessary for him to make satisfactory proof of the birth of the youngest child, ~~xxxxxx~~ The status of his eldest child, George W., depends upon the interpretation of the law as to the legitimacy of said child, it having been born before the marriage. Also, attention is drawn to the fact that there is no satisfactory proof of evidence as to the marriage of Annie Foster, the wife of the applicant, with Randolph White, neither is there any proof of divorce.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and protest against the enrollment of this child under this judgment, for the reason that the father of the child admits that the mother of this child is a state raised woman, and that she had been previously married, as shown in the testimony herein set forth fully, and admits that she had two children by this man with whom she lived, and whom she held out to the world as her husband, and if this be true, the second marriage was an illegal marriage, and the ~~sa~~ children cannot be legitimate, and would necessarily follow the mother.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 24th of June, 1901.



Commissioner.

X

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Subj. C. E. D. #743.

Oct 2 1901

FILED

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPORT OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES
PORT GIBSON, I.T., SEPTEMBER 20, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of ANNIE
FOSTER as a Cherokee Freedman, introduced on the part of the Cherokee
Nation:

APPENDICES

Mr. W. W. Hastings, for Cherokee Nation.

The Cherokee Nation makes satisfactory proof of set-
vice of notice on the said Annie Foster that testimony
would be introduced in the matter of her application for
enrollment as a Cherokee Freedman at Fort Gibson, Indian
Territory, September 20, 1901. Said Annie Foster has been
called three times and fails to respond.

Mr. Hastings: The Cherokee Nation offers in evidence a certi-
fied copy of the decision of the Supreme Court of the Cherokee Na-
tion of date June 20th, 1891, with reference to the rights of inter-
married colored persons.

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J. O. Rogers, being first duly sworn, states that he attended
to the Commission to the Five Civilized Tribes in connection
with the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of a stenographic
note taken thereof.

Subscribed and sworn to before me this September 23d 1901

Supl. C.P. - D. #743.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 20, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of ANNIE
FOSTER as a Cherokee Freedman, introduced on the part of the Cherokee
Nation:

APPEARANCES:

Mr. W. W. Hastings, for Cherokee Nation.

The Cherokee Nation makes satisfactory proof of ser-
vice of notice on the said Annie Foster that testimony
would be introduced in the matter of her application for
enrollment as a Cherokee Freedman at Fort Gibson, Indian
Territory, September 20, 1901. Said Annie Foster has been
called three times and fails to respond.

Mr. Hastings: The Cherokee Nation offers in evidence a certi-
fied copy of the decisions of the Supreme Court of the Cherokee Na-
tion of date June 20th, 1891, with reference to the rights of inter-
married colored persons.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

J. O. Rosson

Subscribed and sworn to before me this September 23d, 1901.

C. R. Buckmaster

Commissioner

COPY.

Cherokee Freedmen
J. M. et al.

Muskogee, Indian Territory, January 24, 1905.

Ball, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of
the Commission to the Five Civilized Tribes, dated January 19, 1905,
rejecting the applications for the enrollment of, William Davis,
Henry Thomas, Ella Vann, Mary Markham, Frances Walton, John Jackson,
Mary Jane Vann, Thomas Love, Ella Hayfield, Willie Kiser, Reuben
Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie
Parker, John Kiser, William S. Hadden, Jane Dean, Albert F. Thomas,
Ray Campbell, Caroline Parker, Rebecca Alberty, Dave Morris,
Alexander Chiswell, Amanda Martin, Eliza Martin, John E. Barnes,
Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Hattie
Taylor, George Reed, Sr., Buck Logan, Bell Thompson, Lewis Scott,
Joe Scott, Walter Lawton, Thomas H. Allen, Lewis Venableford, John
L. Hadden, Nellie Davis, Charles Williams, John J. Rose, Jane
Martin, Anna Peterson, Alex Johnson, Martha Vann, John Scott, Nancy
Hann, Charles G. Smith, Susie Colbert, William Stagg, Susie
Johnson, Alfred F. Hopkins, Minnie Vann, Freddie Lerney, Lucy

Chouteau, Alice Durant, Mahaley Ward, David D. Thomas, Bettie Bank,
 Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary
 Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Jann,
 Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers,
 George Washington Lane, Jane Brown, Samuel L. Young, John Backner,
 Willis Cox, Leonard Bowie, Malinda Murrell, Charles Cluggett,
 Samuel Irvan, Mary Ross, Maggie Faye, Emma Faye, Ella Ross,
 Elizabeth Duncan, Sadie Adams, Georgiana Mather, John Claggett,
 Hattie Smith, Jack Jackson, Lela Sanders, George Kasmirig, Lizzie
 West, Maria French, Mary Johnson, Maggie Vann, William Hudson,
 Sarah Rogers, Abraham Ballard, Laura David, John Jackson, James
 P. Perry, Isaac Welch, Iawarn Logan, George Howell, Henry Blair,
 George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou
 Peters, Ida Adair, Robert Byrum, Allie Chambers, Isaac Jones,
 Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Holly
 Lotney, John Groves, Hattie Mather, Bettie Vann, Nelson Lett,
 Fannie Rogers, William Washington, Equist Warren Hays, Fannie
 Goldsby, Susan Daniels, Alexander Ruff, David Lane, Felix McClain,
 Henderson Jones, Belle Vann, Levi Stroud, John Dwyer, Mark
 Thompson, Ellen Sheppard and Lela Nelson, as Cherokee citizens
 by intermarriage.

The decision, together with the record of proceedings
 had in the case, has this day been transmitted to the Secretary
 of the Interior for his review and approval. The action of the

Secretary will forward same to you on 20th, as the Commission is
pending at the office.

Very respectfully,

SIGNED, *James Dixby.*

Secretary.

Encl. 2-9.

COPY.

Cherokee Freedmen
3-14 at 04.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Lewis, Henry Thomas, Ella Vann, Mary Harrison, Frances Melton, John Detson, Mary Jane Vann, Thomas Love, Ella Hayfield, Sallie Elder, Reuben Campbell, Van Jackson Luther, Cassie Hilditch, Mary Harris, Nellie Fields, John Kibbo, William S. Madison, Jane Beck, Albert P. Thomas, Mary Campbell, Caroline Daniels, Mattie Liberty, Jane Morris, Alexander Clinggett, Annie Martin, Eliza Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard P. Watson, Jack McConnell, Phoebe Hankley, George Reed, Sr., Buck Latham, Bell Thompson, Lewis Scott, Mrs. Scott, Keeler Hampton, Thomas E. Allen, Lewis Vandenberg, John L. Rowlin, Mattie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Mary Ross, Charles C. Smith, Susie Colhart, William Skaggs, Susie Johnson, Alfred P. Hopkins, Elsie Ross, Freddie Leoney, Mary Chautaux, Alice Scott, Rebecca Ford, John P. Thomas, Rattie Ross, Ella Warren, Millie Robinson, Mary Vann.

Frances Martin, Mary Wiley, Margaret Taylor, Henry Wilson, Dennis F. Powell, Stephen Dawn, Malinda Vann, Frances Johnson, Annie French, Mary F. Rogers, George Washington Lane, James Brown, Samuel E. Evans, John Buckner, Willie Cox, Leonard Bowles, Malinda Marshall, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Hays, Emma Hays, Ella Ross, Elizabeth Jundon, Sadie Adams, George Hays, John Hays, Hattie Smith, Jack Jackson, Lula Sanders, George Hays, Hattie West, Maria French, Mary Johnson, Maggie Vann, William Hays, Sarah Rogers, Abraham Ballard, Laura Davis, John Hays, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Hays, George Adams, Annie Thomas, Jessie McConnell, Gallie Vann, Lou Peters, Ida Hays, Robert Brown, Milla Chambers, Isaac Jones, Alice Hays, Katie Hays, Carrie Martin, Benjamin Clark, Mally Leoney, John Greaves, Matilda McHays, Bettie Vann, Nelson Lett, Fannie Hays, William Washington, Squire Warren Owens, Fannie Galisby, John Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Hays, Ellen Sheppard and Lula Helton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

(SIGNED) *Tams Bixby.*

Special Agent.

Incl. 2-4.

Through the
Department of Indian Affairs.

COMMISSIONERS:
TAMM BERRY,
THOMAS A. NEEDLES,
C. E. BRACKENRIDGE,
WM. O. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPORT IN REPLY TO THE FOLLOWING:
Cherokee Freedman
D-743.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 24, 1905.

Annie Foster,

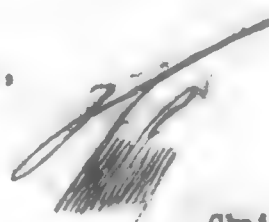
Dewey, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Chairman.

Encl. L-83.

Register.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1906.

Refer in reply
to the following:
Land.
7906-1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1906, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Mathews, Frances Milton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Nellie Rider, Rodman Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Klabe, William S. Madden, Jane Reed, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Roberts, David Martin, Alexander Gloggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Mauda Manley, George Reed, Sr., Buck Lehman, Bell Thompson, Louis Scott, Abe Scott, Kender Lupton, Thomas E. Allen, Louis Vanderford, John L. Nowlin, Katie Davis, Charles Williams, John J. Rice, Jane Martin, Isaac Petersen, Alex Johnson, Martha Vann, John Scott, Henry Reed, Charles C. Smith, Essie Gilbert, William Shaggs, Essie Johnson,

Alfred P. Hopkins, Kissie Vann, Freddie Leoney, Lamy Chertson,
 Alice Durant, Mahaley Ward, Fred D. Thomas, Nettie Beak, Ellis
 Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley,
 Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepmey Dunn,
 Malinda Vann, Frances Johnson, Annie Foster, Mary K. Rogers, George
 Washington Lane, Jane Brown, Samuel L. Young, John Beckner, Willie
 Cox, Leonard Devies, Malinda Murrell, Charles Claggett, Samuel
 Irvon, Mary Bass, Maggie Nare, Neema Nare, Ella Nare, Minnie
 Dunsen, Sadie Adams, Georgeann Archer, John Claggett, Nettie Smith,
 Jack Jackson, Lula Sanders, George Hamelrig, Lizzie West, Maria
 French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers,
 Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac
 Walsh, Lawson Logan, George Howell, Henry Hadir, George Adams,
 Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Alair,
 Robert Brown, Allie Chambers, Issa Jones, Alice Carter, Nettie Alair,
 Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda
 McFair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,
 Squire Varrum Owens, Fannie Galsby, Susan Daniels, Anderson Turk,
 David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi
 Choud, John Supter, Mariah Thompson, Ellen Sheppard, and Lela
 Melton.

January 19, 1905, the Commission decided adversely to all
 the applicants.

The record shows that none of the applicants makes claim
 to enrollment as citizens of the Cherokee Nation, except by inter-
 marriage with a Cherokee Freedman; that none has ever been enrolled

or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is identified on the 1880 authenticated Cherokee roll.

In view of the Record and of the ruling of the Department of November 12, 1904 (R. T. D. 5845-1904) in the Samuel Walcott case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

H.N.N.

V.

D. C. 20377-1903
I. T. D. 2904-1903

(C O P Y)

W C F
T H E

L R S

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

April 17, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Welton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson, Luther, Cassie Middleton, Mary Martin, Nellie Fields, John Kinbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Elise Martin, John R. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Legman, Bell Thompson, Lewis Scott, Abe Scott, Wender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann,

John Scott, Wm. Ross, Charles C. Smith, Susie Gilbert,
 William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann,
 Freddie Looney, Lucy Chouteau, Alice Grant, Mahaley Ward,
 Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
 Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
 Sykes, Larkin P. Powell, Stepany Dawn, Malinda Vann, Frances
 Johnson, Annie Foster, Mary H. Rogers, George Washington Lane,
 Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
 Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary
 Ross, Maggie Hove, Neoma Hove, Ella Ross, Elizabeth Duncan,
 Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith,
 Jack Jackson, Lula Sanders, George Henselrig, Lizzie West,
 Maria French, Mary Johnson, Maggie Vann, William Hudson,
 Sarah Rogers, Abraham Ballard, Laura David, John Deckman,
 James B. Perry, Isaac Welch, Lawson Logan, George Howell,
 Henry Nasir, George Adams, Annie Thomas, Lewis McClunell,
 Callie Vann, Lou Peters, Ish Adair, Robert Brown, Alie Chambers,
 Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin
 Clark, Emily Looney, John Groves, Matilda Howair, Bettie Vann,
 Nelson Lett, Fannie Rogers, William Washington, Squire Warren
 Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane
 Felix Mc Clain, Henderson Jones, Belle Vann, Levi Strand, John
 Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Helton.

reporting in the matter March 21, 1908, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN
Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

D-743.

Muskogee, Indian Territory, April 28, 1906.

Phillip Foster,

Dewey, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the application for the enrollment of your deceased wife, Annie Foster, as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED)

Tame Bixby.

Chairman.

COI

Charles F. Freeman

D-10, et al.

Washoe, Indian Territory, April 28, 1908

Full, Hastings & Devingport,

Attorneys for the Cherokee Nation,

Washoe, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1908, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

(SIGNED) *Tams Bixby*

Chairman,

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1906.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED). *Tams Bixby.*
Chairman.

C

INDIAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 17 1901


ACTING CHAIRMAN

MARRIAGE CERTIFICATE

THIS CERTIFIES THAT

Mr. Philip Foster and Mrs. Annie H. Foster

WERE BY ME

UNITED IN MARRIAGE

On the 10 day of October 1894, at residence of the bridegroom
according to the laws of the State of Kansas.

Rev. J. L. Wilson, M. A.

8/11/43

IN RE
THE DEATH OF

Annie Foster

a citizen of the

Cherokee

Nation.

Approved

[Signature]

Commissioner

C.D.

RECEIVED
15 1902

A-TINE CHAPMAN

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Annie Foster
(Here insert name of deceased.)
 a citizen of the Cherokee Nation Nation, who formerly resided at or near
Deary, Ind. Ter., and died on the 26 day of Dec.
(Here insert name of post office.)
1901

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY,)

Northern

District.)

I, Phillip Foster, on oath state that I am 49years of age and a citizen, by Adoption (Freeman) of the Cherokee Nation;that my post office address is Deary, Ind. Ter.; that I amHusband of Annie Foster
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)who was a citizen, by Adoption (Freeman) of the Cherokee Nation;and that said Annie Foster died on the 26 day ofDec., 1901
(Here insert name of deceased.)

WITNESSES TO MARK.

Phillip Foster(Must be Two
Witnesses.) }Subscribed and sworn to before me this 11 day of April, 1902E. G. Barton
My Commission Expires July 15th 1906

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY,)

Northern

District.)

I, A. B. Johnson, on oath state that I am 63years of age, and a citizen, by Freeman of the Cherokee Nation;that my post office address is Deary, Ind. Ter.;that I was personally acquainted with Annie Foster
(Here insert name of deceased.)who was a citizen, by Adoption (Freeman) of the Cherokee Nation;and that said Annie Foster died on the 26 day ofDecember, 1901
(Here insert name of deceased.)

WITNESSES TO MARK:

A. B. Johnson(Must be Two
Witnesses.) }Subscribed and sworn to before me this 11th day of April, 1902E. G. Barton
My Commission Expires July 15th 1906

Notary Public.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

SS

In the matter of the application of

Annie

for enrollment as a Cherokee Freedman.

No. F. D. *743*

Henry Pack, of lawful age, being duly sworn on oath states that on the *14* day of *September*, A. D., 1901, he registered to *Annie Foster* whose postoffice is *Henry*

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at *Fork Gibson* Indian Territory; and that on the *20* day of *September*, 1901, he received the return card which is hereto attached, signed by the said *Annie Foster*, showing that he had received said notice.

Subscribed and sworn to before me on this the *20* day of *Sept*, A. D. 1901.

Henry Pack
J. C. Starr
Notary Public.

REGISTRY RECEIPT.

Post Office at

Registered Letter
Parcel No.

Rec'd

FT. GIBSON, I. T.

SEP 14 1901

, 190

of

addressed to

Hubbard Ross. P. M. P. M.

70.743

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
day of A. D. 1901.

Given under my hand this
day A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 20 1901


ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of **Annie Foster**
for enrollment as a Cherokee Freedman:

Case No. F. D. **743**

To **Annie Foster Dewey I. T.**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of **Fort Gibson, I. T.** Indian Territory, on the following dates, to-wit: **Sept. 20th** at **8 o'clock A. M.** A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **SEP 14 1901** day of **Sept.**, 1901.

L. B. Del.
M. W. Hastings

Attorneys for the Cherokee Nation.

E

This party came
to be led by me
as administrator
Hilman

Feb 27" 1905

John Hilman

1899

27 40-143

RECEIVED
SEP 19 1901
U.S. DEPT. OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 20 1901


ACTING CHAIRMAN

Q

10743

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 17 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

Post Office

District

Age

Citizenship

1. Name

Owner's name

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

1/2. Name of wife

Owner's name

Year

Page

No.

District

Age

Citizenship

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by

Phillip Foster (husband)

Stenographer

B. Jones

X Reg.

743 743

Blank form sent
Phillip Foster 2/14/12

Phillip

INDIAN TERRITORY)
) ss.
NORTHERN DISTRICT.)

On the 29th day of March 1902. personally came before me a Notary Public in and for the said Territory and District, Phillip Foster and being duly sworn on oath states that he is about 48 years of age and his Post Office address is Dewey Ind Ter. and that he was the lawful husband of Annie Foster and that she died on the 26th day of December 1901. and that application had been made for enrollment as a Cherokee Freedmen before the Dawes Commission and ~~that~~ that he has received notice from said commission concerning new application by registered mail and makes this statement to give notice of her demise.

Phillip Foster
Mark

Subscribed and sworn to before me this the 29th day of March 1902.

E. G. Baston

Notary Public.

My commission expires the 15th day of *May* 1906.

50003

FILED
MAR 22 1902

[Signature]

RECEIVED

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Wm. Lewis Foster,

Secretary, I. T.

Wash. D. C.

1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Department of the Interior Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen DL-14,
Henry Thomas,	Cherokee Freedmen DL-28,
Bill Vann,	Cherokee Freedmen DL-40,
Mary Martin,	Cherokee Freedmen DL-60,
Francis Nelson,	Cherokee Freedmen DL-110,
John Benson,	Cherokee Freedmen DL-112,
Mary Jane Vann,	Cherokee Freedmen DL-115,
Thomas Lowe,	Cherokee Freedmen DL-118,
Bill Mays,	Cherokee Freedmen DL-124,
Billie Mays,	Cherokee Freedmen DL-127,
Reuben Campbell,	Cherokee Freedmen DL-137,
Van Jackson Luther,	Cherokee Freedmen DL-174,
Cecile Middleton,	Cherokee Freedmen DL-176,
Mary Martin,	Cherokee Freedmen DL-178,
Nellie Fields,	Cherokee Freedmen DL-180,
John Kinney,	Cherokee Freedmen DL-182,
William S. Madden,	Cherokee Freedmen DL-186,
Jack Hays,	Cherokee Freedmen DL-206,
Albert T. Thomas,	Cherokee Freedmen DL-246,
Mary Chapman,	Cherokee Freedmen DL-248,
Caroline Daniels,	Cherokee Freedmen DL-252,
Melvina Alberty,	Cherokee Freedmen DL-254,
Dave Morris,	Cherokee Freedmen DL-258,
Alexander Chappell,	Cherokee Freedmen DL-260,
Amanda Martin,	Cherokee Freedmen DL-264,
Billie Martin,	Cherokee Freedmen DL-267,
John E. Barden,	Cherokee Freedmen DL-268,
Bill Davis,	Cherokee Freedmen DL-269,
Samuel Brown,	Cherokee Freedmen DL-270,
Howard F. Watson,	Cherokee Freedmen DL-271,
Jack McCann,	Cherokee Freedmen DL-272,
Maudie Manley,	Cherokee Freedmen DL-273,

George Reed, Sr.,
 Buck Ledman,
 Bell Thompson,
 Lewis Scott,
 Abe Scott,
 Kender Lampton,
 Thomas E. Allen,
 Lewis Vanderford,
 John L. Bowlin,
 Katie Davis,
 Charles Williams,
 John J. Rose,
 Jane Martin,
 Lena Peterson,
 Alex Johnson,
 Martha Vann,
 John Scott,
 Nancy Ross,
 Charles C. Smith,
 Susie Gilbert,
 William Skaggs,
 Smaie Johnson,
 Alfred P. Hopkins,
 Kizzie Vann,
 Freddie Luoney,
 Lucy Chouteau,
 Alice Durant,
 Mahaley Ward,
 Fred D. Thomas,
 Bettie Bask,
 Ellis Warren,
 Millie Robinson,
 Mary Webber,
 Frances Martin,
 Mary Riley,
 Emmanuel Taylor,
 Henry Sykes,
 Larkin P. Powell,
 Stepmey Dawa,
 Malinda Vann,
 Frances Johnson,
 Annie Foster,
 Mary H. Rogers,
 George Washington Lane,
 Jane Brown,

Cherokee Freedmen D—382,
 Cherokee Freedmen D—406,
 Cherokee Freedmen D—411,
 Cherokee Freedmen D—420,
 Cherokee Freedmen D—421,
 Cherokee Freedmen D—422,
 Cherokee Freedmen D—424,
 Cherokee Freedmen D—426,
 Cherokee Freedmen D—444,
 Cherokee Freedmen D—455,
 Cherokee Freedmen D—473,
 Cherokee Freedmen D—474,
 Cherokee Freedmen D—486,
 Cherokee Freedmen D—490,
 Cherokee Freedmen D—493,
 Cherokee Freedmen D—495,
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 Cherokee Freedmen D—513,
 Cherokee Freedmen D—514,
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 Cherokee Freedmen D—545,
 Cherokee Freedmen D—546,
 Cherokee Freedmen D—550,
 Cherokee Freedmen D—552,
 Cherokee Freedmen D—573,
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 Cherokee Freedmen D—588,
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 Cherokee Freedmen D—687,
 Cherokee Freedmen D—674,
 Cherokee Freedmen D—691,
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 Cherokee Freedmen D—696,
 Cherokee Freedmen D—699,
 Cherokee Freedmen D—733,
 Cherokee Freedmen D—735,
 Cherokee Freedmen D—736,
 Cherokee Freedmen D—741,
 Cherokee Freedmen D—742,
 Cherokee Freedmen D—743,
 Cherokee Freedmen D—752,
 Cherokee Freedmen D—758,
 Cherokee Freedmen D—760,

Samuel L. Young,
John Buckner,
Willie Cox,
Leonard Bowles,
Malinda Murrell,
Charles Claggett,
Samuel Irvon,
Mary Ross,
Maggie Nave,
Neoma Nave,
Ella Rossy,
Elizabeth Duncan,
Sadie Adams,
Georgiann Archer,
John Claggett,
Hattie Smith,
Jack Jackson,
Lula Sanders,
George Hazelrig,
Lizzie West,
Maria French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Deekman,
James B. Perry,
Isaac Welch,
Lawson Logan,
George Howell,
Henry Maair,
George Adams,
Annie Thomas,
Lewis McConnell,
Callie Vann,
Lon Peters,
Ida Adair,
Robert Brown,
Allie Chambers,
Isom Jones,
Alice Gunter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D—761,
Cherokee Freedmen D—780,
Cherokee Freedmen D—781,
Cherokee Freedmen D—787,
Cherokee Freedmen D—788,
Cherokee Freedmen D—789,
Cherokee Freedmen D—798,
Cherokee Freedmen D—799,
Cherokee Freedmen D—808,
Cherokee Freedmen D—816,
Cherokee Freedmen D—840,
Cherokee Freedmen D—871,
Cherokee Freedmen D—880,
Cherokee Freedmen D—901,
Cherokee Freedmen D—912,
Cherokee Freedmen D—922,
Cherokee Freedmen D—938,
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Cherokee Freedmen D—987,
Cherokee Freedmen D—990,
Cherokee Freedmen D—1010,
Cherokee Freedmen D—1039,
Cherokee Freedmen D—1062,
Cherokee Freedmen D—1067,
Cherokee Freedmen D—1078,
Cherokee Freedmen D—1082,
Cherokee Freedmen D—1085,
Cherokee Freedmen D—1105,
Cherokee Freedmen R— 39,
Cherokee Freedmen R— 45,
Cherokee Freedmen R— 48,
Cherokee Freedmen R— 50,
Cherokee Freedmen R— 72,
Cherokee Freedmen R— 82,
Cherokee Freedmen R— 83,
Cherokee Freedmen R— 86,
Cherokee Freedmen R— 94,
Cherokee Freedmen R— 96,
Cherokee Freedmen R— 99,
Cherokee Freedmen R—100,
Cherokee Freedmen R—102,
Cherokee Freedmen R—104,
Cherokee Freedmen R—105,
Cherokee Freedmen R—106,
Cherokee Freedmen R—107,

Benjamin Clark,
Emily Looney,
John Groves,
Matilda McNair,
Bettie Vann,
Nelson Lett,
Fannie Rogers,
William Washington,
Squire Warren Owens,
Fannie Goldsby,
Susan Daniels,
Anderson Turk,
David Lane,
Felix McClain,
Henderson Jones,
Belle Vann,
Levi Stroud,
John Stumper,
Mariah Thompson,
Ellen Sheppard,
Bella Melton,

Cherokee Freedmen R-108,
Cherokee Freedmen R-110,
Cherokee Freedmen R-112,
Cherokee Freedmen R-117,
Cherokee Freedmen R-122,
Cherokee Freedmen R-125,
Cherokee Freedmen R-129,
Cherokee Freedmen R-131,
Cherokee Freedmen R-143,
Cherokee Freedmen R-144,
Cherokee Freedmen R-146,
Cherokee Freedmen R-148,
Cherokee Freedmen R-156,
Cherokee Freedmen R-165,
Cherokee Freedmen R-173,
Cherokee Freedmen R-181,
Cherokee Freedmen R-196,
Cherokee Freedmen R-211,
Cherokee Freedmen R-220,
Cherokee Freedmen R-227,
Cherokee Freedmen R-237,

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Benton Campbell for himself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, Oattie Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nettie Fields; by John Kimbo for himself; by William N. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Peyton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Mastley for herself; by George Reed, Sr. for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durnant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Miley for his wife, Mary Biley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irvan for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armistead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Parry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McCordell for himself; by Josh Vann for his wife, Cuffie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Ison Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Sasan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lude for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Rouben Campbell, Van Jackson, Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard E. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkie P. Powell, Stephen Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Annie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

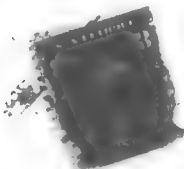
[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

REGISTERED
MUSKOGEE, IND. TER.



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

FEB 28 1905

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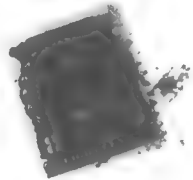
Amato Robert
Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

FEB 28 1905

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Annie Foster,

Indian Territory.

REGISTERED
JAN 31 1905
MUSKOGEE, IND. TER.

Cher. Fr. R 707

Cher. Fr. R - 707

Trans. from Cher F.D. 744

FILED
APR 28 1904

To be filed in case of Alexander Alberty, CFD-744.

Mellette ' Smith, attorneys for applicant.

Department of the Interior,
Commission to the Five Civilized Tribes,
Winnita, I. T., May 15, 1901.

In the matter of the application of Jim Alberty for the enrollment of himself and his two grandchildren as Cherokee Freedmen; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your name? A Jim Alberty.
- Q Who is it you want to enroll; anybody besides yourself? A Yes sir, two grandchildren.
- Q You want to enroll yourself and two grandchildren? A Yes sir.
- Q Are these grandchildren orphans? A They have a living mother, but I keep them.
- Q How old are you? A Seventy.
- Q What is your post office? A Chouteau.
- Q In what district do you live? A Saline.
- Q How long have you lived in the Cherokee Nation? A From the first of my recollection until now.
- Q About all your life, have you? A Yes sir.
- Q Are you a recognized Freedman of the Cherokee Nation? A I have drawn money; I am certain I am not on the 1880 roll.
- Q You are partly recognized? A Yes sir.
- Q Were you a slave in the Cherokee Nation at the breaking out of the Civil War? A Yes sir.
- Q To whom did you belong? A John Alberty.
- Q He was a citizen of the Cherokee Nation, was he? A Yes sir, a Cherokee Indian.
- Q Where did he live? A He lived on Pryor Creek just below Pryor Creek Station.
- Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
- Q Where were you carried? A Carried to the Chickasaw Nation.
- Q At what time were you carried out of the Cherokee Nation? A Some time about '62.
- Q And how long did you stay in the Chickasaw Nation? A I stayed there, I reckon five or six months.
- Q And then where did you go? A I run off and went to Little Rock.
- Q And how long did you stay there? A I enlisted in the Army there.
- Q In the Union Army? A Yes sir.
- Q How long did you serve in the Union Army? A Just until peace was made.
- Q Until the war was over? A Yes sir, peace was made.
- Q Were you discharged from the army? A No sir.
- Q What did you do? A Just come home.
- Q Run off again? A Yes sir.
- Q Where did you come? A Come right here to the Cherokee Nation.
- Q At what point? A Right in Saline District at Lewis Downing's.
- Q I come there and stayed there. I come and stayed with Frank Consens first.
- Q Did you come to Frank Consens first? A Yes, first.
- Q You stayed there a while and then came to Lewis Downing's? A Yes sir.
- Q In what year did you come to Frank Consens? A In 1866 when I come there.
- Q Have you lived in the Cherokee Nation continuously ever since? A Yes sir; never had any home anywhere else.
- Q Give me the name of your two grandchildren? A Gora Alberty.
- Q How old is that child? A She must be about 17.
- Q Now give me the name of the next child? A Daisy Alberty.
- Q How old is that child? A She is near 13.
- Q Are these children both living now? A Yes sir.
- Q Give me the name of the mother of these children? A Mary Alberty.

2 J A

Alberty.

Q Is she alive? A Yes sir, she is here, I am looking for her here now.

Q Is she your daughter? A No sir, she is my daughter-in-law.

Q Does Melvina Alberty claim to be a Cherokee Freedman? A No sir.

Q How old is Melvina Alberty? A I could not tell; she looks as if she might be fifty or fifty-five years old.

Q Give me the name of the father of these children? A Anderson Alberty.

Q He is dead, is he? A Yes sir.

Q Was he your son? A Yes sir.

Q When did he die, how long since? A He died just after the Wallace payment; he was sick then before the payment.

Q About how old was he when he died? A I couldn't tell; I expect he was near fifty at the time.

Q Now his wife, Melvina Alberty, has she married since her husband, Anderson, died? A No sir.

Q She is still the widow of Anderson Alberty? A Yes sir.

Q Was she ever married except to Anderson Alberty? A Yes sir, she was married before.

Q How many times before? A I don't know; she says she was married before; I don't know it only just what she says.

Q Was your son, Anderson, ever married except to this wife, Melvina? A No sir, never was married before.

Q Did he live with Melvina until he died? A Yes sir; she was taking care of him while they were doctoring him.

Q Was your son married to Melvina Alberty at the time the 1880 roll was taken, twenty or twenty-one years ago? A Yes sir, he was married longer than that, I guess.

Q Melvina Alberty has never been admitted to any roll, has she?

A No sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the names of the applicant, his deceased son, and his son's wife, are not identified thereon.

Q What district were you living in in 1880? A Saline District.

Q Was your son Anderson in Saline in 1880? A Cooweescoowee.

Q Was he on the roll of 1880? A I do not know whether he was or not.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q Did you draw Strip money? A Yes sir.
Roll

The Kerns Clifton examined and the names of the applicants are identified thereon as follows:

Page 144, No. 3568, James Alberty, Cooweescoowee District;

Page 144, No. 3569, Daisy Alberty, Cooweescoowee District.

Page 144, No. 3570, Oera Alberty, Cooweescoowee District.

The Wallace roll examined for the name of the applicant and his name is found on page 187, No. 3436, James Alberty, place and residence, Chouteau, I. T.

The Wallace roll has a note in connection with the name of James Alberty to the following effect: In the Wallace Column he is given as number 57, and above it is written the word "rejected". In the Bennett Column, he is given as No. 3, and above it is written "rejected."

Mar Smith, Applicant's Attorney: Where did your son Anderson Alberty marry his wife, Melvina? A He married at Chicago.

3 J A

Q Where did they live? A Up here on Big Creek after they married.

Q How long did they live there? A Six or seven years.

Q Where were they living at the time your son died? A They were living down at my house; down on the river.

Q In what nation? A In the Cherokee Nation, in Saline District.

Q When did you state your son died? A I couldn't tell; just after the Wallace payment; I don't know what year it was.

Q Well, when did you come back to the Cherokee Nation after the war? A I come back in 1866.

Q Where have you lived since that time? A Right in a mile or two where I am living now in Saline District on the farm I have got now.

Q Did you draw your strip money in 1897 or 1898, I don't remember which it was? A I drew the strip money. And drew money at the Wallace payment.

Q Did you draw money at the Wallace payment? A Yes sir.

Q How about your grand children, were they or were they not on the verna Clifton roll? A Yes sir.

Q Do you know of your own knowledge whether they drew their money or not on the verna Clifton roll? A Yes sir.

J.S Davenport: Where were you at the breaking out of the rebellion between the states, the last war you speak of? A O Pryor Creek.

Q To whom did you belong to at that time? A John Alberty.

Q Jerry Alberty also belonged to John Alberty? A No sir.

Q Jerry Alberty lived near John Alberty's? A No sir, he lived down the river twenty miles.

Q Do you know Jerry Alberty? A Yes sir.

Q Did you know him at the breaking out of the war? A Yes sir.

Q You at one time belonged to a man named Martin down in Arkansas, didn't you? A No sir.

Q Didn't John Alberty sell you to a white man that lived in the State of Arkansas? A No sir.

Q Do you know E.B. Wright? A Yes sir.

Q You know what year it was you and he had a shooting scraps down on Grand river? A I do.

Q Do you know what year? A No sir, I don't know the year we had that.

Q It was after the making of the Wallace roll? A No, I think it was before.

Q Did you testify at the trial in the Federal Court at Fort Smith? A Yes sir.

Q If, in giving your testimony in that case, didn't you testify as follows: "I belonged to John Alberty before the war, but was sold to a man by the name of Martin in Arkansas before the war?"

A I didn't testify that. I can tell you what I testified.

Q I don't want to know that, I asked you this? A No sir, I didn't.

Q Wright was tried in the federal court at Fort Smith? A Yes sir.

Q Do you know R. W. Lindsey, of Chouteau? A Yes sir, I know him when I see him.

Q He was living near John Alberty at the breaking out of the war?

A No sir, not within 12 or 15 miles.

Q Did you know him, Lindsey, before the war? A Yes sir, I knowed him.

Commissioner: You say your son, Anderson, was married at Oswego? A Yes sir.

Q Oswego, Kansas? A Yes sir.

Q You say your son, Anderson, died after the Wallace payment?

A Yes sir.

Q Did he draw money on the Wallace roll? A Yes sir; he drew the first money for his children himself.

4 J A

where he got her.

Q About when did he marry her? A I couldn't tell you.

Q Did he get acquainted with her up there during the war? A Yes sir.

Q How long after the war was it before he went back there and married her? A Four or five years; along after this railroad came through; I don't know what year that was.

Q Had he been going there and meeting her and keeping up his acquaintance with her? A Yes sir.

Q When did he come back after the war? A Directly after I come back; he come to my home; he was quite young then. He come home after the war was over.

Q Did he make visits up to Kansas? A Yes sir, he made visits up there.

Q Who was up there that he had occasion to see, any kin folks? A No sir, none but this woman to see as far as I know.

Q As far as you know, he would go up there to see her, and then married her? A Yes sir, after a while he married her and brought her down to my family. He never was healthy any more.

He was called Anderson Alberty and was called Anderson Reed.

The Wallace roll examined and the name of the applicants son and grandchildren are identified thereon as follows:

Page 135, No. 2826, Anderson Reed, Cooweescoowee district.

Page 135, No. 2827, Reddy Reed, Cooweescoowee district.

Page 135, No. 2828, Cora Reed, Cooweescoowee district.

Q Do you know anything about a child named Reddy? A No sir; they never had but those two children.

Q Is this child Daisy ever called Reddy? A No sir, not that I know of; her name is Daisy.

Anderson Lynch, being sworn and examined by Commissioner

C. R. Breckinridge, testified as follows:

Q Give me your full name? A Anderson Lynch.

Q How old are you? A 64 years old.

Q What is your post-office address? A Vinita.

Q How long have you lived in the Cherokee Nation? A I was born and raised here.

Q Were you slave in the Cherokee Nation at the breaking out of the Civil War? A Yes, sir.

Q To whom did you belong? A To Joe Lynch.

By Edgar Smith: Do you know James Alberty, or Jim Alberty?

A Yes sir.

Q How long have you known him? A I knowed him a while before the breaking out of the rebellion.

Q Where did you know him? A I knowed him down on the river.

Q What river? A Down in there by the Lake.

Q What nation was it in? A Cherokee Nation.

Q Do you know who he belonged to? A He belonged to some of the Alberty's.

Q Do you know of your own personal knowledge where he was during the war; whether he went out of the Cherokee Nation or not?

A No sir, I do not.

Q When did you first see him after the war? A Down at Locust Grove by a store where they would get some goods.

Q Where is Locust Grove, in the Cherokee Nation? A Yes sir, that is below the asylum.

Q When was it you saw him after the war? A In the summer of '66. J. B. Davenport: The Asylum was there then? A No sir, the building was there; it was Ross' building.

Q How old were you at the breaking out of the war? A I was 21.

Q How old was Jim? A I don't know how old he was.

Q How far did you live from him at the breaking out of the war?

A Nearly thirty miles.

Q How long had it been since the war broke out that you had seen Jim Alberty? A I don't know exactly how long I never had.

5 J A

track of it. I would just see him.

Q You don't know whether it had been two or three years you had seen him before the war broke out or not? A No, it was longer than that.

Q The only thing you know is that he at one time before the war belonged to one of the liberty's, and that after the war you saw him back here? A Yes sir.

Simon Lynch, being sworn and examined by Commissioner

C. R. Brackinridge, testified as follows:

Q Give me your full name? A Simon Lynch.

Q How old are you? A About 72 I guess.

Q What is your post-office? A Spavinaw Mill.

Q In what district do you live? A Saline.

Q How long have you lived in the Cherokee Nation? A All my life, only when I went out the time of the war, and stayed a little while.

Q Were you a slave in the Cherokee Nation at the breaking out of the war? A Yes sir.

Q To whom did you belong? A Joe Lynch.

Q He was a Cherokee citizen, was he? A Yes sir.

Edgar Smith: Did you see him ~~the first time~~ back in the Cherokee Nation after the war, Jim Alberty? A Yes sir.

Q When did you see him the first time? A In the fall of '66.

Q Where? A At my house on Grand river.

Q Well, what became of him, do you know? A He lived down below me all the time ever since.

Q How far below you? A I don't know how far it is.

Q In the Cherokee Nation? A Yes sir.

J.S. Davenport: Simon, did you know Jim before the war broke out? A Yes sir.

Q How near did you live to him before the war broke out? A I lived at old man Joe Lynch's; he lived at old man John Alberty's; we used to trade horses.

Q That was about thirty miles apart? A No sir.

Q How far? A About twenty or twenty-two miles.

Q How long had it been before the war broke out that you had seen Jim Alberty? A I don't know how long it had been.

Q Two, three, or four years? A Yes, I guess it was.

Mose Hardrick, being sworn and examined by Commissioner C. R. Brackinridge, testified as follows:

Q Give me your full name? A Mose Hardrick.

Q How old are you? A 71.

Q What is your post-office? A Chelsea.

Q In what district do you live? A I live in Coowadescoowee now.

Q How long have you lived in the Cherokee Nation? A Ever since I was born up only what time I was out in the war time.

Q Were you a slave in the Cherokee Nation at the breaking out of the war? A Yes sir.

Q To whom did you belong? A Lewis Ross.

Edgar Smith: Q Do you know Jim Alberty? A Yes sir.

Q Did you know him before the war or after? A Before.

Q How long before the war did you know him? A I couldn't tell you how long before the war. It was in slave time. We used to go to his master's place down there they lived. I would herd up our cattle and drive them back to our cow ranch.

Q Who was his master? A John Alberty.

Q Was he a Cherokee citizen? A Yes sir.

Q Do you know of your own knowledge what became of Jim Alberty during the war? A I do not.

Q He wasn't with you? A No sir.

Q Did you see him back here after the war? A Yes sir.

Q When? A A while after I came here.

6 J A.

Q When did you come? A I come back here in '66.

Q How long after you come back? A I seen him that summer.

J. S. Davenport: Did you come back before or after the treaty was made? A I don't know anything about the treaty; I come when the war was over.

Q You never heard about the treaty being made when you started back? A I heard about the treaty, and that is the reason we come home.

Q And then you know you came back after the treaty was made?

A Yes sir, must have.

Q He come the following summer after you come back? A The same summer I went down to Fort Gibson and saw him.

Q What summer did you go down there and see him? A The first summer after the war.

Q You came back after the treaty was made? A Yes sir.

Q And the first summer you came back, you went to Fort Gibson and saw him? A Yes sir.

Q He belonged to John Alberty when you first knew him? A Yes sir.

Q You don't know where he went during the war? A No sir.

Q You know where he was when the war broke out? A He was down to Alberty's because that spring we were taken down to get the cattle, and he was there with us.

Q You swear positively that he was there with you when the war broke out? A Yes sir.

Q If he states that he was sold in Arkansas to a man before the war ~~broke~~ was broke out he is mistaken? A I don't know anything about that.

Q Do you know Jim Alberty was sold out of the country or not?

A I do not.

Q Are you able to say he was not, and that he was a slave of John Alberty, are you? A I won't do that.

Q And you don't remember positively what time you saw him at John Alberty's when the war broke out? A It was in the spring. I was a cow driver and I had to go and bring the cattle back up here.

Q Do you know Jerry Alberty? A Yes sir.

Q Did you know him before the war broke out? A Yes sir.

Q Was he down at John Alberty's when the war broke out? A Yes sir, he was with us gathering cattle.

Q He was there in the neighborhood and he knew John Alberty's slaves, didn't he? A I don't know what he knew.

Q You never seen him? A He was there helping us gather cattle.

Q You know where he lived? A I don't know; he lived near the Alberty's.

Q Do you know where Jim Alberty was living when the war broke out? A Yes sir, at John Alberty's place.

Q In Saline District? A At the old Salt Works.

Q It is in Saline District now, if it wasn't then? A I don't know, I reckon it must have.

Q Don't you know? A I don't know anything about the district.

Q What district are you living in? A Cooweescoowee.

Q Do you know the lines in Cooweescoowee District? A No sir, I don't know any line in the districts of the Cherokee Nation.

William Rider, being sworn and examined by Commissioner C. R. Brockinridge, testified as follows:

Q Give me your full name? A William Rider.

Q How old are you? A 56.

Q What is your post-office? A Chouteau.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Were you a slave in the Cherokee Nation when the war broke out? A Yes sir.

Q To whom did you belong? A Tom Rider.

Edgar Smith: Did you know Anderson Alberty sometimes called Reed?

A Yes sir.

7 J A.

Q Is he living or dead? A He is dead.

Q Where did he live? A He lived, when I knew him he lived here at Chouteau.

Q Was he married or single? A He was single at that time.

Q When did you first know him at that time you are speaking about now? A In '66 or '67.

Q Do you know whether he afterwards married or not? A Yes sir.

Q Do you know his wife's name? A Melvina.

Q Where did he live then when he married when he was living with Melvina? A Up here about Big Cabin, I believe.

Q Do you know how long he and Melvina lived together? A No sir, I do not.

Commissioner: Did you know Melvina Alberty before she married Anderson? No sir.

Q All you know is that she lived as the wife of Anderson Alberty? A Yes sir.

Q How long did you know them as man and wife? A I didn't know her at all; I seen her after he was married; he didn't come down to the river after they were married.

Q Where did they live after they were married? A Up here on Big Cabin.

Q You only know of the marriage from hearsay? A Yes sir, I knew that was his wife; I saw him once since that.

Q You say you never saw her? A No sir.

How do you know anything about her - how do you know her name was Melvina? A He told me his wife was named Melvina.

Edgar Smith: Do you know anything about whether they lived together as man and wife in that community - did you know it before, or by anybody except him? A No sir.

Q Did you know it from the community in which he lived, the neighbors that lived around? A No sir, they never said anything to me.

Q All you know is what he said? A Yes sir, is what he told me.

The applicant applies for the enrollment of him self and two grandchildren. The applicant is not identified on the roll of 1880 or on the roll of 1896; he is identified on the Kerns Clifton roll, and he is also upon the Wallace roll, but after his name there is written a word "rejected." He claims to have lived in the Cherokee Nation all his life, except a brief absence during the Civil War. It is contended by the Cherokee representatives present that he was sold as a slave in to the State of Arkansas before the breaking out of the Civil War, and was a slave in that state at that time, and of a citizen of that state, and hence he does not come under the treaty of 1866. For the further consideration of this case, the applicant will now be listed as a Cherokee Freedman on a doubtful card. The two grandchildren, Cora and Daisy Alberty, are identified on the Kerns Clifton roll; they are living at this time; they are not identified on the roll of 1896, but the older of these children is identified on the Wallace roll, and there is a child in that family identified on the Wallace roll as Reddy Reed; which maybe intended for Daisy Alberty, as no child of that name is known in this family which was sometimes called Alberty and sometimes called Reed. There appears to be only these two children. The father of these children, who was the son of the applicant, now deceased, is identified on the Wallace roll, but not upon the roll of 1880. It has not been developed or contended that this son, Anderson Alberty, was sold with his father from the Cherokee Nation prior to the Civil War. It is desired to further establish the marriage between Anderson Alberty and his wife, Melvina who is said to be still living, and not to have remarried since the death of her husband, Anderson Alberty. It is desired also to establish the status of Melvina Alberty, at the time of her marriage to Anderson Alberty, as arising from any previous marriage or marriages that she may have contracted. It appears

S. I. A.

that she was a State Freedman of the State of Kansas, but she may have acquired rights through her husband by intermarriage. Under these conditions these two children will now be listed for enrollment as Cherokee Freedmen on a doubtful card, and the applicant is desired to inform his daughter-in-law, Melvina Alberty, that she should make application for her own enrollment as a Cherokee Freedman by intermarriage.

Counsel agree to introduce additional testimony on Tuesday, of next week.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(signed) E. C. Rothemberger

Subscribed and sworn to before me this 27th day of May, 1901.

(signed) C. R. Brackinridge,
Commissioner.

D-287.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 21, 1901.

Supplemental testimony in the matter of the application of Jim Alberty for enrollment as a Cherokee Freedman.

Smith & Mollette, Attorneys for Applicant; Attorney Smith present. W. W. Hastings, and J. S. Davenport, Attorneys for the Cherokee Nation, present. Testimony taken by agreement.

E. W. Lindsey, being sworn and examined by Commissioner T. B. Needles, testified as follows: Witness on behalf of the Cherokee Nation.

Q What is your name? A E. W. Lindsey.

Q What is your age? A 59 years.

Q What is your post-office address? A Chouteau.

By W. W. Hastings, Cherokee Attorney: Mr. Lindsey, where did you live prior to the war? A I was living at - it was called Bryan's store, on the west side of Grand River, four miles west of the Grand Saline.

Q What would be the nearest postoffice to that place? A Pryor Creek is on this side of the river, and Locust Grove on the west side of the river.

Q Did you say you were on the west side of the river? A It is about eight miles southeast of Pryor Creek.

Q Were you married before the war? A Yes sir.

Q What is your wife's maiden name? A Maria Ryan.

Q What relation was she to Joel Bryan? A A daughter.

Q Did you know John Alberty who was a Cherokee citizen? A Yes sir, very well.

Q How far did John Alberty live from where you did before the war? A About six miles.

Q Do you know a colored man that was once owned by John Alberty by the name of Jim Alberty, who is the applicant here? A Yes sir.

Q Did you know him before the war? A Yes sir.

Q And you have known him since the war? A Yes sir.

Q When you first knew him who did he belong to? A He belonged to John Alberty.

Q This John Alberty who lived near you? A Yes sir.

Q How close what you have known of his ownership at the time the war came up, anything that you may have about it? A The war came

up in '61. The last I knew of Jim was in April, '60, about the first of April, and the last I seen of him was April. Mr. Alberty had taken him and another man, and a woman and a man then the property of old man Bryan from Bryan's store.

Q Is John Alberty alive? A No sir.

Q Now go ahead and state it, the last you know of Jim, what you were going to state? A The last I seen of him, John Alberty was riding horse back, and he had, I can't now recall the young man's name that was driving the wagon, and he had four of those colored people, Jim and Fred and his wife, and a woman, I don't recall either name, the four in a wagon; that is the last I know of them.

Q That was in April of '60? A That was in April of '60; that was the last I seen of him until after the war.

Q Where did John Alberty live from '60 until the war came up? A At the crossing of Pryor Creek on the military road; the same place where he has been living at for years.

Q Was Jim Alberty living there with him at that time? A No sir.

Q At the time the war came up? A No sir.

Q Had he been there since April, 1860? A Not that I know of; never seen him or heard of him.

Q Well, what he came of the other two colored people who belonged to your father-in-law, Joel Bryant? A I could tell it, but the technical testimony I don't know how; I have heard it.

Q What became of Jim Alberty? A Mr. Alberty said he sold them to a party down below Little Rock.

Applicant's Attorney objects to answer and moves to strike it out.

The objection is overruled and exceptions noted.

Commissioner: Mr. Alberty was the owner of Jim Alberty? A Yes sir.

Q And he told you so? A Yes sir.

Applicant's attorney objects to the above question and answer and moves to strike it out.

The objection is overruled and exceptions noted.

W. W. Hastings: Do you know what he got for him? A No sir.

Q And after he told you that, did you ever see Jim Alberty in the Cherokee Nation before the war? A No sir, until after the war.

Q And you lived in the same neighborhood? A Yes sir.

Q Was there any one else taken off with Jim Alberty? A Another party, a woman of Mr. Alberty's, and a woman and a man of Col. Bryan.

Q Did you see any settlement made with Mr. Alberty with reference to those? A No sir, I did not see any money paid over directly. I was in the house, and I don't know anything about the amount of money.

Q Col. Bryan's darkies went off the same time? A Yes, the same time with the Alberties.

Q Do you know how long Mr. Alberty was gone on that trip? A Not I couldn't say; it wasn't a very great while; maybe two weeks and maybe not so long.

Q He was back there in the spring of 1860? A Yes sir, he wasn't gone a great while.

Q And after that time, did he come back you never saw the applicant, Jim Alberty, until after the war?

A No, I have answered that.

Attorney Edgar Smith: Mr. Lindsey, Joel Bryant took his slaves down to Mexico and peoned them, didn't he? A To some extent, I don't know that he peoned them, I will make a statement if you want one.

Q Tell us what you knew about it, did he peon some of his slaves in Mexico? A Well, for the life of me, I can't say, yes, and I couldn't say, no, as I said, and I think with a few words I can tell

Q He made a contract with some of his slaves to take them to Mexico for so much money, and when he got there they left him and he sued them on the contract. Well, it is this way, you may be more familiar with the laws of Mexico than I am; but it is this, this debt would hold over for diversified claim at a fixed salary until the debt was paid, but at any day if you could get another man, if you would come to me and say I owe so much money, and I would work it out for you he sued a man and got judgment, and Gov. Tarassess come in and paid the judgment, and in the matter of course, these parties became slaves of Judge Tarassess.

Q So they made an agreement with him? A They signed a contract with him.

Q Where did they agree on that? A Fort Stockton, Texas.

Q After they became free? A Just at that time; it was just a little while before they became free.

Q They were down there and had no way to get out? A When they started from Red River it was not understood that they were freed at the time Col. Bryan sold several and there were parties following to buy these, and these others some of them niggers, they had been raised in the family, they didn't want to sell and they didn't want to be sold; this other party wanted to go and they went on and they sold the m all there.

Q Where? A On Red river and in Fannin County, Texas; everyone of them.

Q As a matter of fact after the war was over and these people were freed, Bryan took them down to Mexico and peoned them? A I made a statement that was the way they were peoned; they owed this debt.

Q What debt was that? A It was for the transportation to go to Mexico.

Q All you know about Jim Alberty of your personal knowledge is that you saw him in a wagon with two or three other colored people in the spring of '60? A Yes sir, in '60.

Q And you didn't see him any more until after the war? A No, I didn't see him any more until after the war.

Q You don't know of your own personal knowledge what became of him? A I told you before that he, Mr. Alberty, sold him at Little Rock.

Q That is what Mr. Alberty said? A Yes sir.

Q You never saw him in Little Rock? A No sir, I never saw him until after the war; after he left in the wagon.

Commissioner: When was it Alberty told you this after the war? A No sir, after he came back; he was only gone two weeks.

Q I thought you said you didn't see him after he went away in the wagon? A I didn't see Jim any more, but I saw John Alberty; he was only gone about two weeks.

Q Do you know even if John Alberty had of sold Jim Alberty in '60, you don't know whether Jim Alberty's owner ever resold him to John Alberty ~~after~~ or any citizen of the Cherokee Nation? A No sir, I don't know anything about that.

W.W. Hastings: You know he never came back? A I know I never saw him until after the war.

Commissioner: When did you see him after the war? A I think it was in '66.

Q Not sooner than '68? A No, it couldn't have been, because I wasn't in the country until the latter part of '67.

Edgar Smith: You weren't here until nearly '69? A No sir, December '67.

Re-cross examination of Applicant by W.W. Hastings, Cherokee Attorney:

Q What is your name? A Jim Alberty.

Q Mr. Alberty, you testified in someone the other day that you were in the Union Army, didn't you? A Yes sir.

Q You testified that you joined the Army at Little Rock, Arkansas?

A Yes sir, I did.

Q And that you went through the war in the Union Army? A Yes sir,

I did.

Commissioner: How did you get to Little Rock? I ran away and went there.

Q Did you run away from John Alberty? A Yes sir.

[Counsel for Applicant moves to strike out all that portion of witness' testimony relative to what John Alberty told him with regard to selling applicant.

The motion was overruled and exceptions noted.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 27th day of May, 1901.

(Signed) C. R. Brackinridge,
Commissioner.

Mallette & Smith, attorneys for applicant:

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., May 29th, 1901.

In the matter of the application of Melvina Alberty for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Brackinridge, testified as follows:

Q What is your name? A Melvina Alberty.

Q How old are you? A 57.

Q What is your post-office address? A Welch.

Q In what district do you live? A Delaware.

Q Who is it you want to have enrolled besides yourself? A Just myself.

Q Do you apply to be enrolled as a Cherokee freedman? A By inter-marriage.

Q When were you married? A In 1862 I think.

Q To whom were you married? A Jim Alberty.

Q Where did you marry him? A Oswego, Kansas.

Q Who do you claim through? A Anderson Alberty.

Q Have you a certificate of your marriage? A Yes sir.

Q Were you ever married before you married Anderson Alberty? A Yes sir.

Q How many times? A Once.

Q What was the name of your first husband? A Tony Daniels.

Q Was he a State man? A No sir he was a Cherokee Freedman but he died in Kansas.

Q When did he die? A In 1866.

Q When did you marry him? A In 1866.

Q Did you live with him there in Kansas? A Yes sir.

Q Did he ever come back to the Nation himself? A No sir, his folks lived on Big creek.

Q What was Anderson Alberty doing in Kansas when you married him?

A We was going up there to get a pension, and they said that we had to be married and so we got a preacher to marry us up there.

Q Was he living up there? A No sir.

Q Was he ever married before he married you? A No sir, not as I know of; he was soldiering around and might have been pretty

bad about women like all other men is I don't know.

Q When did Anderson Alberty die? A In '91.

Q Have you married since he died? A No sir I wouldn't marry again, I am drawing a pension.

Q Have you lived with any other man as his wife since he died?

A No sir, fore God I ain't living with no man.

Q Where are you living now? A 5 or 6 miles west of Welch.

Q Who with? A A colored family, and has two children there same of the time.

Q You are not on the roll yourself? A No sir.

Q Did you know anything about Anderson Alberty before you married him? A Yes sir, first got acquainted with him time of the war.

By McIllette:

Q The two children, Cora and Daisy, are your children by Anderson Alberty? A Yes sir, I am their mother.

Q Was Anderson Alberty their father? A Yes sir.

By Com'r Breckinridge, - The applicant states that she was married in 1882 at Oswego Kansas to a Cherokee Freedman, now deceased.

His status has been gone into in Cherokee Freedman Doubtful

card #287, in which is embraced the enrollment of the two

children of the applicant by the said Anderson Alberty.

The testimony is to the effect that the said Anderson Alberty

was never married prior to his marriage to her, but she is not

positively informed on that subject. She states that she was

once previously married, but that her former husband died in

1871, and consequently prior to her marriage to Anderson Al-

berty. She states that her former husband was a Cherokee

Freedman, but that he married her in 1866 in the state of

Kansas, and that he lived with her in Kansas until he died.

Applicant's attorney states that he has a marriage certificate

establishing her marriage to the said Anderson Alberty, which

he will file with this case to-morrow. She will now be listed

for enrollment as a Cherokee Freedman by intermarriage on

a doubtful card, No. 297, the same being the card including

her children. The applicant states that she has never

re-married since the death of her husband Anderson Alberty.

The final decision of the commission will be made known to her

at her post-office address.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weise.

Subscribed and sworn to before me this 1st of June, 1902 at Chelsea, I. T.

(signed) T.B. Needles,

Commissioner.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copies and that same are true and complete copies of the originals.

Subscribed and sworn to before me this August 26th, 1902

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEFERRED

26 Feb 1901
FILED

Q Do you know a colored man up in your country by the name of Jim
Alberty, commonly known as Sheep Jim? A I do.
Q How long have you known him, Mr. Wright? A I have known him
ever since about '81 or '82.
Q Mr. Wright, were you ever arrested and taken to Fort Smith charg-
ed with shooting at or assaulting Jim Alberty? A I was.
Q About when was that? A I think it was in '83; they held two
indictments against me, one was shooting Bill Haroun and one was
shooting Sheep Jim.
Q Were you tried there? A I was.
Q Was this Jim Alberty a witness against you at that time?
A Yes, sir.
Q State whether the question of his citizenship was raised or not?
A It was in both cases.
Q What did he say of it? A He claimed not to be a citizen of
the Cherokee Nation at the time; he claimed his Master, John Alberty
had taken him below Fort Smith and sold him down below Bardenelle,
and sold him to a man by the name of Morton.
Q And he swore that at that time? A Yes, sir.
Q And the Court retained jurisdiction over you? A Yes, sir.
Q And tried you? A Yes, sir.

COMMISSIONER: The first time you saw Sheep Jim was along in
'84? A Along in '82.

Com'r Needles: This testimony will be made part of the
testimony in the Joanna Cook case, D.#745, and James Alber-
ty, Jr., D.#328.

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J. O. Ransom, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes he correct ly

File with case of Alexander Alberty, C.F.-D.#744.

Supl. C.F.-D.#287.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 16, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JIM ALBERTY as a Cherokee Freedman, introduced on the part of the Cherokee Nation:

APPEARANCES:

Proof of service of notice to applicant filed;
Applicant called and does not appear neither in person nor by attorney;

W. W. Hastings present for Cherokee Nation.

J. W. ALBERTY, being duly sworn by Commissioner Needles, testified as follows: BY MR. HASTINGS:

- Q What is your name? A J. W. Alberty.
- Q Mr. Alberty, what is your age? A I am 67 years old.
- Q Are you a Cherokee citizen by blood? A Yes, sir.
- Q What is your post office? A Westville.
- Q Where did you live before the war? A I lived right in about two miles and a half or three miles west of Westville.
- Q Did you know Mr. John Alberty before the war? A Yes, sir.
- Q Where did he live before the war? A He lived right on Pryor's Creek.
- Q He was a citizen of the Cherokee Nation? A Yes, sir.
- Q Do you know a colored man, applicant for enrollment, by the name of Jim Alberty, commonly known as Sheep Jim Alberty? A Yes, sir.
- Q Did you know him before the war? A Yes, sir.
- Q Now, tell the Commission what you know about his ownership?
- A Well, he belonged to John Alberty and John Alberty and we were cousins and he and my wife sisters and we was very intimate and along about '57 or '8 there was a man by the name of Howlan and Bill McCracken brought Jim and another colored man by the name of John and sent me to take them from my home to Evansville, and John Alberty taken him off from there and carried him south. I also had a negro girl mortgaged belonging to John Alberty by the name of Violet and he came back and redeemed Violet and took her home.
- Q Did you know where John Alberty took Jim? A I don't know he went to Memphis off on the trip, I don't know where he sold the negro man.
- Q And when he came back from that trip he redeemed the negro girl you had mortgaged? A Yes, sir.
- Q How much? A Eight hundred dollars.
- Q Was Jim with him when he came back? A No, sir.
- COMMISSIONER: Where was Evansville? A State of Arkansas.
- Q You turned him over to him in the State of Arkansas?
- A Yes, sir.
- MR. HASTINGS: You knew what he took him off for?
- A Yes, sir; by selling him.
- Q Well, did he say what he did with him? A Sold him.
- Q About how long was he gone? A About six weeks.
- Q When was that? A That was about '57 or '8.
- Q Did you see this Jim from that time until after the war?
- A I haven't seen him from that time until the present, I ain't seen him at all.
- COMMISSIONER: Who did you say had been the owner of Jim?
- A John Alberty, he was my cousin.
- Q Was he a Cherokee citizen? A Yes, sir.
- Q An Indian by blood? A Yes, sir.

Q You only know as to the sale what Alberty told you? A Yes, sir; well I know he brought the money back.
Q Well, you know he brought money back? A Yes, sir.
Q But you don't know that he sold Jim, only from the circumstance and what Alberty told you when he came back? A No, sir.
Q The fact you don't know that he sold him only what he said?
A Yes, sir.
Q He started to sell him? A Yes, sir.
Q And when he came back he said he sold him? A Yes, sir; he never come back and has not been there after that.

JAKE ALBERTY, being duly sworn by Commissioner Needles, testified as follows: By Mr. Hastings:

Q What is your name? A Jake Alberty.
Q What is your age, Mr. Alberty? A I will be 48 in March.
Q What was your father's name? A John Alberty.
Q Where did he live before the war? A He lived near Pryor Creek, on Pryor Creek.
Q Was your father ever the owner of a negro slave by the name of Jim, now known as Sheep Jim? A Yes, sir.
Q Now, what became of him? A I don't know; he took him off before the war; I remember that; said he sold him.
Q You were quite small? A Yes, sir, I was just a boy.
Q Did you know what your father said about it? A No, sir, I don't remember anything about it.
Q Well, do you know whether he sold him or not? A Well, that is my understanding, he took him off to sell him.
Q Was he at your house during the war? A No, sir.
Q You were living with your father? A At that time?
Q Yes? A Yes, sir.
Q Did you go south with your father? A Yes, sir.
Q Was this Jim along when you went? A No, sir.
He was not along

COMMISSIONER: You say your father went south during the war?

A Yes, sir.

MR. HASTINGS: Was that after Sheep Jim was missed, or gone?

A Yes, sir.

Q He was not along with you? A No, sir.

Q Have you ever seen Sheep Jim since? A Yes, sir.

Q When was the first time you saw him? A I don't know, it was back here, right here after the war.

Q Do you recollect what year that was? A No, sir.

Q You saw him right here after the war you saw? A Yes, sir, when I got back.

Q There on the place? A No, sir, he was there in the neighborhood.

Q What relation is this witness who has just preceded you to you?

A He is a cousin.

Q He lived there neighbor to you? A No, sir, he lived in Going-snake district.

Q Do you recollect what year you came back after the war? A '66.

ELLIS B. WRIGHT, being duly sworn by Commissioner Needles, testified as follows: BY MR. HASTINGS:

Q What is your name? A Ellis B. Wright.

Q What is your age, Mr. Wright? A 47.

Q Are you a citizen of the Cherokee Nation by blood? A I am.

Q What official position, if anything, to you hold now?

A I belong to the Cherokee Senate Committee now.

Q What is your post office address? A Pryor Creek, Indian Territory.

Q Do you know a colored man up in your country by the name of Jim Alberty, commonly known as Sheep Jim? A I do.
Q How long have you known him, Mr. Wright? A I have knowed him ever since about '81 or '2.
Q Mr. Wright, were you ever arrested and taken to Fort Smith charged with shooting at or assaulting Jim Alberty? A I was.
Q About when was that? A I think it was in '83; they held two indictments against me, one was shooting Bill Haroun and one was shooting Sheep Jim.
Q Were you tried there? A I was.
Q Was this Jim Alberty a witness against you at that time?
A Yes, sir.
Q State whether the question of his citizenship was raised or not?
A It was in both cases.
Q What did he say of it? A He claimed not to be a citizen of the Cherokee Nation at the time; he claimed his Master, John Alberty had taken him below Fort Smith and sold him down below Bardenells, and sold him to a man by the name of Morton.
Q And he swore that at that time? A Yes, sir.
Q And the Court retained jurisdiction over you? A Yes, sir.
Q And tried you? A Yes, sir.
COM'R NEEDLES: The first time you saw Sheep Jim was along in '84? A Along in '83.

Com'r Needles: This testimony will be made part of the testimony in the Joanna Cook case, D.#745, and James Alberty, Jr., D.#328.

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J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this September 18th, 1901.


Commissioner.

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DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C.
SEP 17 1901

SUPPLEMENTAL: C.T. DODD

Commissioner of the Bureau of Indian Affairs
Department of the Interior
Washington, D.C.
Sept 17, 1901

In the matter of the enrollment of Alexander Liberty as a
Cherokee Freedman.

APPEARANCES:
W.W. Hastings, Esq., for the Cherokee Nation.

Commission: The Cherokee Nation makes satisfactory proof of
service of notice on said Alexander Liberty that testimony
would be introduced by the Cherokee Nation in the matter of his
application for enrollment as a Cherokee Freedman at Fort
Gibson, Indian Territory, on the 14th day of September, 1901,
and that Alexander Liberty has been called three times and fails
to respond.

BY MR. HASTINGS: The Cherokee Nation requests that the
testimony of J.W. ALBERTY, JAMES ALBERTY and R. WRIGHT, taken
in the case of JIM ALBERTY, Freedman Docket No. 287, on Septem-
ber 14th, 1901, be made a part of the record in this case.

M.D. Green, being first duly sworn, states that he is stenographer to the
Commission to the Five Civilized Tribes and has correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 24th day of Sept, 1901.

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SUPPLEMENTAL: C.F. D3844.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, T.T., Sept. 17, 1901.

In the matter of the enrollment of Alexander Alberty as a
Cherokee Freedman.

APPEARANCES:

W.W. Hastings, Esq., for the Cherokee Nation,

Commission: The Cherokee Nation makes satisfactory proof of
service of notice on said Alexander Alberty that testimony
would be introduced by the Cherokee Nation in the matter of his
application for enrollment as a Cherokee Freedman at Fort
Gibson, Indian Territory, on the 14th day of September, 1901,
Said Alexander Alberty has been called three times, and fails
to respond.

BY MR. HASTINGS: The Cherokee Nation requests that the
testimony of J.W. ALBERTY, JAKE ALBERTY and E. F. WRIGHT, taken
in the case of JIM ALBERTY, Freedman Doubtful #287, on Septem-
ber 16th, 1901, be made a part of the record in this case.

M.D. Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this September 20th, 1901.

C. R. Buckner

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., NOVEMBER 8, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ALEXANDER ALBERTY and JOANNA COOK as Cherokee Freedmen.

APPEARANCES:

For Applicants, I. P. Bledsoe.
For Cherokee Nation, W. W. Hastings.

The records of this office show that on September 8, 1906, the Department ordered a rehearing in this case, of which action the applicants, their representative, and the Attorney for the Cherokee Nation were duly advised. The records further show that this case was set for hearing on November 8, 1906, at which time the following proceedings were had.

NAN ADAIR, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows:

BY MR. BLEDSOE:

Q What is your name? A Nan Adair.

Q How old are you? A 49.

Mr. Hastings: Comes now the Attorney for the Cherokee nation and objects to the taking of the testimony of this witness for the reason that it does not appear that her name was included within a list of witnesses furnished the Commissioner to the Five Civilized Tribes on October 6, 1906, as being one intended to be introduced on behalf of these applicants.

On Behalf of the Commissioner: The records of this office show that the Agent for applicants on October 6, 1906, notified this office that he expected to introduce on behalf of applicants the testimony of the witnesses whose names and addresses he furnished. In accordance with that advice the Attorney for the Cherokee nation was notified thereof and the case was set for hearing on this date. As the name of Nan Adair was not included in the list of witnesses furnished, the objection of the Attorney for the Cherokee nation will be sustained.

JOANNA COOK, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows:

BY MR. BLEDSOE:

Q What is your name? A Joanna Cook.

Q Are you married? A Yes sir.

Q What was your name before you married? A Joanna Alberty.

Q How old are you? A 27.

Q Who was your father? A Jim Alberty.

Q Who was your mother? A Charity.

- Q Do you know what her name was before she married your father?
A Yes sir.
Q What was her name before she married? A Charity Landrum.
Q Is your mother living now? A No sir.
Q Do you know when your mother died? A Yes sir.
Q What is your best knowledge as to when she died? A She died when I was about two years old.
Q Do you have any idea where she was? A Yes sir, I know where she died at.
Q Where? A On Big Creek.
Q Was she buried up there? A No sir.
Q Where was she buried? A Buried on Lightning Creek.
Q Where do you live now? A I live about six miles east of Choteau.
Q How long have you lived there? A About 12 years.
Q Where did you live before you moved there? A Lived on the River and on Big Creek, moved from Big Creek on Grand River.
Q Cherokee nation? A Yes sir.
Q Have you ever been out of the Cherokee Nation since you were born, that you know of? A No sir.
Q Lived in the Cherokee Nation continuously since your birth?
A Yes sir.
Q Have you got a place in the Cherokee nation? A Yes sir.

Mr. Hastings: Objected to as being irrelevant and immaterial.

On Behalf of the Commissioner: The objection will be noted.

- Q Still live on your place? A Yes sir.
Q Do you know any of your Uncles and Aunts? A Yes sir, I know some of them.

Mr. Hastings: Objected to as being irrelevant and immaterial because these applicants cannot be admitted on indefinite relationship. It makes no difference if they had 40 uncles and aunts who are admitted and who are citizens of the Cherokee Nation. If they claim through their mother they must show that their mother was entitled to enrollment as a citizen of the Cherokee Nation.

On Behalf of the Commissioner: The objection will be noted.

- Q Name some of your Uncles and Aunts? A Uncle Jack Landrum, Uncle Jim Landrum. Uncle Leonard Sherman.

Mr. Hastings: No cross examination.

W I T N E S S E X C U S E D .

ALEX ALBERTY, being first duly sworn by B. P. Hanson, a Notary Public, testified as follows:

BY MR. HEDGECOCK:

- Q What is your name? A Alex Alberty.
Q How old are you? A About 30.
Q Who was your father Alex? A Jim Alberty.
Q Who was your mother? A Charity.
Q What was her name before she married your father? A Charity Landrum.
Q Where do you live now Alex? A About 6 miles east of Choteau.
Q Got a place there? A Yes sir.

- Q How long have you lived there Alex? A I have lived there since about 12 years.
- Q Where did you live before that? A Big Creek.
- Q Where were you born, or do you know? A I was told I was born on Big Creek.
- Q Have you ever been out of the Cherokee Nation to live since you were born, if you know? A No sir.
- Q Lived continuously in the Cherokee Nation since your birth? A Yes sir.
- Q Do you know any of your Uncles and Aunts? A Yes sir.

Mr. Hastings: Objected to as being irrelevant.

On Behalf of the Commissioner: The objection will be noted.

- Q Name them? A Uncle Jack Landrum.
- Q Any others? A Leonard Landrum.
- Q Any others? A Sherman Landrum.
- Q These are all Cherokee Freedmen? A Yes sir.
- Q What relation are you to Joanna Cook? A She is my sister.
- Q Have the same father and same mother? A Yes sir.

Mr. Hastings: No cross examination.

W I T N E S S E X C U S E D .

THOMAS H. MOORE, being first duly sworn by B. P. Ramus, a Notary Public, testified as follows:

BY MR. BLEDSOE:

- Q What is your name? A Thomas H. Moore.
- Q How old are you? A 55.
- Q Are you a Cherokee freedman? A Yes sir.
- Q Where do you live? A I live up three miles east of Ketchum, Indian Territory.
- Q Cherokee Nation? A Yes sir.
- Q How long have you lived there? A I have been around there probably all my life, pretty near it.
- Q Did you ever know Charity Landrum? A Yes sir.
- Q Do you know who she was a slave of? A Master Landrum.
- Q A Cherokee citizen? A Yes sir, and Aaron Landrum.
- Q Do you know what time,---where did she go out of the country during the war? A Yes sir, I think she went south.
- Q Do you know what time they came back, or when did you see Charity in the Cherokee Nation after the war? A The first time I saw Charity after the war my step-father heard of her coming back and he went over there in the fall of '66 and told my mother about it and she sent him back after Charity and Sophia.
- Q Where was that? A Over on Cabin somewhere.
- Q And you lived on Grand River? A Right where I live now.
- Q That was in '66? A Yes sir, in the fall of '66.
- Q How long did Charity continue to remain in that neighborhood?
- A She lived with us all that winter. Well she lived right around there then, different places, lived with my father, with us, I don't know just how long, until she went out west.
- Q Went out west, where did she go to? A Went out to Big Creek and around up there and got married out there. Married Jim Alberty. That is what I learned, I wasn't at the wedding, nothing like that.
- Q Did you see her after she went out west? A Yes sir.
- Q How long after she went out west did you see her? A That was, she was out there some 3 or 4 years. She had 3 or 4 children then.
- Q Where was she living then, when you saw her? A On Big Creek, down the Creek from Dan Howe's place.

- Q Do you have any idea where she died? A She died up there.
- Q Do you know whether these children are her children or not? A Yes sir, they were little fellows when I was there, but I haven't seen them for a long time,--after they moved down in here I haven't seen them but a time or two until here lately.
- Q You never heard of her living out of the country? A No sir.
- Q Do you have any idea about what time she died? A No sir, it was somewhere along in '70,--somewhere as near as I could guess at it about '79 or '80.
- Q Do you have any idea whether it was before they made the '80 roll or not? A I think it was.
- Q You have some recollection when they made the '80 roll? A Made it in '80.
- Q You are not related to these people in any way? A Yes sir.
- Q What relation? A Cousin.
- Q Do you know of Charity ever drawing any money at all from the Cherokee Nation?

Mr. Hastings: Objected to because the records is the best testimony, and that is in the possession of the Commissioner to the Five Civilized Tribes.

On Behalf of the Commissioner: The objection will be noted.

- A I don't remember whether she drew any or not, if she did it was that \$10.00 payment.
- Q Where was that \$10.00 payment made to you all? A Up to Vinita.

BY MR. HASTINGS:

- Q How old did you say you are? A 35.
- Q I will ask you to examine this affidavit that is filed with the motion to reopen this case which is dated Vinita, January 17, 1906, made before O. E. Drake, Notary Public, and state whether or not that is your signature? A That is my signature.
- Q You swear to that and recognize it? A Yes sir, that is mine.
- Q Is the body of this affidavit all in your writing? A No sir.
- Q You didn't write that above? A No sir.
- Q Was this affidavit read to you at that time? A Yes sir.
- Q Did you understand the contents of it? A I think so.
- Q I am asking you now if you knew? A Yes sir.
- Q Now do you swear that the statements made in there are true? A Read it and let's see.
- Q I asked you if you recognized your signature? A I do.
- Q Were you sworn to it before O. E. Drake, Notary Public? A I don't remember that part.
- Q You do remember that Notary? A No sir.
- Q Do you remember swearing to this affidavit? A No sir.
- Q You do recognize that as your signature? A Yes sir.
- Q Didn't you make an affidavit in this case for Mrs. Bledsoe and no one else? A Yes sir.
- Q Where did you make that and before whom? A In Vinita under him.
- Q Then you didn't make it under O. E. Drake? A No sir.
- Q You swear that? A Yes sir.
- Q You didn't swear to it before anybody else but Mr. Bledsoe? A Yes sir.
- Q You know that? A If I did I don't know nothing about it.
- Q I am asking you if you know now. We have got a good many affidavits of yours in other cases, now did you swear to an affidavit before anybody except Mr. Bledsoe? A No sir, I didn't.
- Q Now do you know whether the statements made in this paper which I have shown you that bears your signature are true or not? Would you have signed that if they were not true? A I signed it to be true.

- Q Did you read it when you signed it? A No sir, I didn't read it.
Q You are in the habit of signing them without reading them? A Mr Bledsoe read that.
Q Is that his writing there? A I suppose so.
Q Did you see him write it? A Yes sir.
Q Didn't you know what it contained at the time? A Made a statement for him.
Q Did you know what the statement contained when you signed it?
A Yes sir, I made a statement for these minor children here.
Q Did you all the facts in it,--was it read to you? A Yes sir, Mr. Bledsoe read it to me, that was all the facts he put in there.
Q Did you read it? A No sir.
Q He read it to you? A Yes sir.
Q And as he read it was the facts stated therein true? A Yes sir.
Q You have sworn now you are 55 years old? A Yes sir.
Q You swore on the 17th day of January, 1906, according to this paper, "My name is Thomas H. Moore, I am 53 years old, I live 3 miles east of Ketchum, I. T." Is that true or false? A It might have been a mistake in the age.
Q Then that wasn't true, the statement made in this affidavit? A When was that made?
Q On the 17th day of January, this year? A 1906?
Q Yes, there is the paper, this, can't you see? A Well there might have been an error in getting that age down because I am 55 years old. I can tell you when I was born.
Q Are you in the habit of making statements, signing affidavits without reading them? A I didn't read that.
Q You are in the habit of swearing to them without reading them?
A I don't know as I swore to that one.
Q You know if you did swear to it you only swore to it before Mr. Bledsoe and no one else? A Yes sir, if I did then I don't remember it. If that is a mistake in my age where I got my age correct I had it figured up.
Q Haven't you always known your age? A Ever since I got so I could learn how to read.
Q You knew your age last January the same as you do now? A Yes sir.
Q Where did you say Charity Landrum was the first time you saw her after the war? A At our house where my step-father brought her.
Q What is his name? A Lewis Rowe.
Q What time of the year was it? A Along in the fall.
Q What time of the fall of the year? A Along in October or November, somewhere along there. We call it the fall of the year.
Q Where did Lewis bring her from? A From Mrs. Landrum.
Q Were they Cherokees? A Yes sir.
Q Had you ever seen her before? A Before the war?
Q Before that? A No sir.
Q That was the first time you had ever seen her? A Yes sir, that was the first time.
Q I mean that was the first time in the fall of 1866, the first time you ever saw Charity Landrum? A Yes sir.
Q And yet awhile ago you were asked to whom she belonged before the war and you testified of your own personal knowledge that she was a slave of some one? A Yes sir.
Q Are you in the habit of swearing that way of these things? A What way.
Q You have just sworn now you never saw her before 1866, haven't you? A Yes sir, that was the first time I saw her after the war.
Q You said that was the first time you ever saw her in your life?
A Yes sir.
Q And yet you have sworn that she was a slave of a certain Landrum

before the war? A Yes sir, I belonged to Landrum and so did she.

Q But you never saw her? A No sir, I was a small boy.

Q How can you swear to whom she belonged and you never saw her?

A My father brought her right from the folks that owned her.

Q But you never saw her before the war? A That is the way I was informed, and she was kin to me and belonged to the same people, and of course my folks would tell me all about it.

Q Is that the way you have been swearing in a whole lot of these cases that you have filed affidavits in here? A No sir.

Q You think it was in the fall you saw her at your step-father's house? A He went and got her that time.

Q How old were you at that time? A I was some 12 or 15 years old.

Q You couldn't tell, between 12 and 15? A Somewhere along there, 15 or 16 maybe.

Q Perhaps you were 17? A I was old enough to know when they come there.

Q How do you think you were 12, 14, 15 or 16? A 15 or 16 along there.

Q How long did she stay there at Howe's? A That winter. She lived around there. She stayed with us quite awhile, didn't have no wheres to go.

Q Stayed right there? A Right around in the neighborhood there, she lived with us and she left there and went to her father's.

Q Where did her father live? A Down on the River 7 or 8 miles, George Landrum was her father.

Q Where had she come from when your step-father went and got her? A From the south.

Q How long had you heard of her being up there from the south in that neighborhood? A I don't know about that, how long she had been up there.

Q A week? A She might have been there longer than that. The old man was across the river over there and heard of her.

Q Was that the first you had heard of her? A Yes sir.

Q And your step-father went and got her as soon as you heard of her?

A Yes sir.

Q And then she stayed there continuously? A He went and got two of them.

Q I am not talking about two of them? A Yes sir, she stayed with us until she went to her father's.

Q How long did she stay with her father, George Landrum? A I don't know, she lived around there quite awhile.

Q Then where did she go? A Out west.

Q To whose place? A I don't know, out there to some of her kin folks I think, she went to Minerva, her sister's.

Q How long before she went west? A 5 or 6 years, maybe longer.

Q Continuously? A Yes sir.

Q Did you know Jack Landrum or John Landrum's wife, Mary? A Mary Elliott.

Q Yes? A Yes sir, slightly.

Q What relation was she to Charity Alberty, formerly Charity Landrum?

A I don't know nothing about her relationship.

Q What relation was she to Mary's husband, John? A Sister as far as I know about it.

Q I exhibit to you an affidavit of Mary Landrum attached to the motion to reopen this case made before I. P. Hedges on the 23rd day of September, 1908, in which she states that "I came back to the Cherokee Nation in 1866 and I knew that Charity Landrum, afterwards Jim Alberty's wife, came with us in 1866." You can look at that statement, are you prepared to dispute that statement? A Whose statement is that.

- Q Mary Landrum, John Landrum's wife, do you say that statement is true or not? A I don't know nothing about her part of it.
- Q Do you dispute or affirm it? A I don't know a thing about it.
- Q You know this woman came from Kansas, Mary Landrum and John Landrum? A I think so.
- Q Do you dispute they brought this woman from Kansas? A Yes sir, I do, I know they didn't bring her.
- Q You swear that this statement isn't true? A I don't know nothing about that, I know my step-father went over there and got her.
- Q Don't you know she went to Kansas? A Lets see, I don't know whether she did or not.
- Q Haven't you just swore she didn't? A I don't think she did, she may have gone.
- Q Then she may not have stayed there as long as you thought and went on up to Kansas? A I don't know what she done from my part of the country.
- Q These witnesses are testifying about 1866 was that she went to Kansas, she went on up there that fall? A She didn't go, she stayed with us there.
- Q I will ask you now to look at this affidavit made by John Landrum, her brother, in which he states, it being made on the 22nd day of December, 1905, before I. P. Hledsoe, Notary Public: "I had a sister Charity Landrum who belonged to some Cherokees who went south during the war to the Choctaw Nation and returned in '65 or '66, and my sister Charity came on back with them and came on up in Kansas with Lewis Rowe to where I was and came on back to the Cherokee Nation with us in the fall of 1866". Now this is taken from the affidavit of her brother John Landrum and I will ask you to state whether you can now, under oath, deny that statement? Then she might have been in 1865, she was up to your place and went on up in the State of Kansas? A No sir, she lived around there with us all that winter, that was long, I don't know how long she did live with us, if she went up in Kansas it wasn't then.
- Q Did you know Lewis Rowe? A Yes sir, I know Lewis Rowe.
- Q Is this the same Lewis Rowe you have been testifying about?
- A Yes sir.
- Q Are you prepared to state he didn't bring her back from the State of Kansas with him? A I don't know a thing about his doings.
- Q Now your statements and his both cannot be true for the reason that you say these people lived continually around your settlement for 4 or 5 years, and still he swears that he brought her from the State of Kansas, and that Lewis Rowe took her up there?
- A I don't know, he may.
- Q He may have done that? A I don't remember about that. There is lots of things went on then that have done slipped my remembrance, I have just forgotten all about it, somebody can tell me about them and make me remember. Now such things as that, so many people up and down the road, the old man went up and down the road many times.
- Q Then she might have gone on up in Kansas? A Yes sir, it might be.
- Q Then you might be mistaken about her living around this country?
- A She lived around first one place and then another for several years.
- Q Don't you know that that cannot be true if she went to Kansas?
- A She might have went to Kansas, I couldn't dispute that. It couldn't have been in '66.
- Q Was it 1865? A It couldn't have been that.
- Q John Landrum and his wife Mary attempted to testify in these affidavits that they brought her back when they come? A I don't know a thing about that.

- Q You have tried to testify here she stayed around your neighborhood for 5 or 6 years? A She did for I don't know how long. She had a child born up there and I named him Tom, and he was a great big boy when he died.
- Q What was his name? A Tom Foreman, Richard Foreman's son. And one born named Redmond older than Tom.
- Q Who was her first husband? A She had a fellow named Jack Buffington that she got Redmond by, at least she lived with him, and Foreman he got this other boy.
- Q That the Richard Foreman that lives in parsons? A No sir, he is dead now.
- Q Jack Buffington live in Parsons? A Yes sir.
- Q Is that the man that is the father of the child? A Father of one of them and they died.
- Q There was the Buffington child born? A Well sir now that is another question, I don't know whether it was born down there at Landrum's or where it was born.
- Q How long after the war? A Quite a while after the war.
- Q Ten years? A Maybe so, maybe not quite so long.
- Q You don't have any idea what year it was born? A No sir.
- Q Don't know the year the Foreman child was born? A No sir, I don't know nothing about it, I know they were born.
- Q Which was born first, Buffington or Foreman? A Buffington.
- Q Both older than these applicants? A Yes sir.
- Q You don't know where the Foreman child was born? A Down on the River at her father's somewhere, down there, she lived down there, about 4 or 5 miles from where I lived.
- Q You are in the habit of making affidavits in all these freedmen cases aren't you? A No sir.
- Q Have you been making any for Starr & Patten? A Yes sir.
- Q Have you ever refused to make one in any one of them that they asked you to? A Not if I know the person.
- Q Have you known every one they asked you about? A Yes sir, every one I said I know, I knew.
- Q Every one they asked you to make an affidavit in you knew them?
- A Yes sir, all I was right around and raised among I knew them.
- Q Did you make an affidavit on the 23rd of July, 1906, in the Jim Landrum case? A Yes sir.
- Q Did you testify that Jim Landrum lived continuously in the Cherokee Nation? A No sir, not continuously, lived off and on up there around my neighborhood. He lived in our yard where we all lived there.
- Q When did you first see him after the war, Jim Landrum? A Along in the fall.
- Q Of 1865? A No sir, I don't think it was '65.
- Q Fall of 1866, '7 or '8? A Fall of '66 I think.
- Q Don't you know when you first saw him after the war? A Yes sir, in the fall of '66.
- Q Is that what you swore in that affidavit? A I guess so.
- Q Are you in the habit of swearing anything, signing your name to these affidavits without reading it regardless of the truth?
- A Yes sir, that is the truth.
- Q Where did you see him? A Right on the Bob Daniels place where we lived.
- Q Is that the first time you saw Jim Landrum after the war? A Yes sir, I think it was the first time.
- Q I will ask you if you didn't sign an affidavit before J. H. Blanton in the Jim Landrum case on the 23rd day of July, 1906, in which you stated: "When we got back in the spring of '66 Jim Landrum, Sr., was living on the Jess Simpson Cocharan place with Eliza Hilderbrand who had two children. It was about the first of April, 1866, when I came back from Fort Gibson to the Jess Cocharan place and found Jim Landrum Sr. living there." Now what do you say about it?

- Q He lived in the yard on the Bob Daniels place with us.
- Q Didn't you swear less than a minute ago that you never saw him until the fall of 1865? A If I did I made a mistake, but that is right, what is there is right.
- Q I will ask you if you didn't swear a minute ago the first time you saw him was on the Bob Daniels place? A That is where I remember of seeing him.
- Q I will ask you if you didn't swear in this affidavit that the first time you saw him was on the Jess Cochran place? A Across the River, yes sir.
- Q Did you swear that? A I guess I did.
- Q Then you just swear to any kind of affidavit they make up for you to sign? A No sir, I swear to the best of my understanding, and to the best of my recollection. That has been so far back it takes a wonder to keep all that in his head.
- Q Have you made an affidavit in the consolidated cases of Moses Riley, et al., with reference to the date of the return of Samuel Riley on the 25th day of May, 1906, before a Notary Public? Did you make an affidavit in the Moses Riley case on the 25th day of May, 1906? A Where did I make it at?
- Q Well this purports to have been made before Jessie Patten, a Notary Public? A What date was it.
- Q On the 25th day of May, this year? A I don't remember it.
- Q Did you know Mose Riley's father? A Yes sir.
- Q What was his name? A Riley McNair is all I know.
- Q You never knew him by any other name? A That is the reason I didn't know that Samuel Riley.
- Q Did you ever know him anywhere except in the Cherokee Nation? A No sir.
- Q And you don't remember of ever having made any affidavit in this case at all? A I might have made it but I don't remember.
- Q Did you testify that you saw him after the war? A Yes sir, I seen him.
- Q How many years after the war? A Why I saw him up until the time he died.
- Q Well how many years after the war before you saw him? A I don't know, I reckon all along.
- Q 3 or 4 years after the war? A Longer than that, 20 years I reckon.
- Q The first time you saw him after the war? A The first time I saw him after the war was right away after the war, right along when I come down with them folks, with my Uncle, along in the fall I believe.
- Q How many years after the war? A Right away after the war.
- Q Two or three years after the war A No sir, it was right away close. When they all come.
- Q Why don't you swear when it was if you are going to testify about it? A They come down along in the fall or spring, I don't know which. That old man and my Uncle made a crop down there.
- Q What is your Uncle's name? A Thomas A. Moore.
- Q Is he alive or dead? A No sir, been dead a long time.
- Q I will ask you if you testified and signed an affidavit in which you stated, on the 25th day of May, 1906, "I was acquainted with Samuel Riley at the close of the Civil War and I know he left Garnett, Anderson County, Kansas for the Indian Territory with his family and his effects,--etc." Did you state that? A No sir.
- Q You didn't know him near Garnett, Kansas? A No sir.
- Q Do you deny signing an affidavit to that effect? A Where did I sign it.
- Q Did you sign one? A If I signed it, I don't remember it.

- Q Well was it true,--did you know that he left Garnett, Kansas, at any time? A I don't know a thing about that.
- Q Well if you signed a statement to that effect, it was true, isn't it? A No sir.
- Q Well did you see Riley McNair, also known as Samuel Riley after the war with his family? A Yes sir, I seen his family several times.
- Q How long after the war was it when you first saw either Riley McNair or his family? A The first time I saw him he didn't have his family with him at all.
- Q How long was that after the war? A Right away after the war when they all come down.
- Q How long after the war was it? A Right away after the war.
- Q What year was it? A It was along,-----
- Q Now the truth is you aren't very positive, are you? A He lived on the Dr. Thompson place, he come there with my Uncle, they come there.
- Q Did he make a crop on the Dr. Thompson place? A My Uncle made a crop there.
- ✓ Q Did Riley McNair make a crop there? A I think he did, I am not certain about it.
- Q Is that your best recollection? A Yes sir, but I am not positive.
- Q You are not positive as to the year? A He come when they all come down there.
- Q You know you are not going to dodge me in any such way as that. I asked you if you are positive as to the year he come? A Well as near as I can remember it must have been along in '67, somewhere along there.
- Q How did you make an affidavit in the case of Jennie Martin with reference to the return of Nelson Martin, on the 25th day of May, 1906? A Jennie Martin?
- Q I said in that case with reference to the return of Nelson Martin?
- A I don't know, I never made no affidavit as I know of.

ON BEHALF OF THE COMMISSIONER:

- Q Did you ever make an affidavit in the Harvey Martin case?
- A No sir.

BY MR. HASTINGS:

- Q You never made one with reference to the return of Nelson Martin?
- A No sir, not as I remember of.
- Q Did you ever make an affidavit in the Sam Landrum or William Todd case with reference to the return of Boney Dan Landrum? A I believe so, something about Dan Landrum, I don't remember now where there I did or not.
- Q You don't remember? A I don't remember I may made it but I don't remember it.
- Q Did you know Boney Dan Landrum? A Yes sir.
- Q What year did he come back to the Cherokee nation after the war? A He come back in them dark ages, somewhere down in there. Well as near as I remember he come along seem-like it was in the winter of '66, fall or winter one, I don't know which now.
- Q You are not right positive, are you? A No sir.
- Q And you want trust your memory exactly as to the time? A I don't know exactly when he come, he trapped around in there.
- Q You sign these affidavits miscellaneously don't you, just at random. Didn't you sign this affidavit here, made on the 25th day of May, 1906, in which you state in the Sam Landrum case that you knew Boney Dan Landrum in his life time and "I know he come to the Cherokee nation, Indian Territory, in the year 1865, etc?"
- A I don't remember that part of it.

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- Q You never swore that? A No sir.
Q If it is, you never swore it? A No sir.
Q You never then knew Charity Alberty formerly Landrum before the war at all? A No sir, I didn't.

BY MR. FIELDSOE:

- Q How did you know that she was a slave, you stated in your former statements that she was a slave? A By my father, he went and got her from her slave owners.
Q It was commonly known that she was a slave? A Yes sir, I belonged to the same family of Landrums and they all knew one another as slaves.
Q How do you know it was in the year 1866 you saw her back here; that your father went and got her, what fixes it in your memory?
A The year of '66?
Q Yes? A Why everybody that got inside of that limitation were called '66, and that was the common talk all over the country; whenever a person came in we know they were inside the limitations.
Q Do you know what year the war closed? A Yes sir.
Q What year? A '63.
Q '63,--how long was it after the war closed before you saw Charity in the Cherokee Nation, your best judgment? A We come down here in '65, well that was two years I guess after the war.
Q Was it the next year after you come down here you saw her? A The next year after we come down here, after '65, in '66.
Q Your Uncle went and got her? A Yes sir, went and got both of these children, one of them couldn't talk English.
Q What two children did he go and get? A Sophia Landrum and Charity Landrum.
Q Who did you say was there father and mother? A George Landrum and Peggie.
Q And you know that Charity Landrum died in the Cherokee Nation?
A Yes sir, she died up there on Big Creek.
Q Now did Charity ever go to Kansas, if she did could she have stayed there any length of time without you knowing it?

Mr. Hastings: Objected to as being argumentative.

On Behalf of the Commissioner: The objection will be noted.

- Q Charity might have gone to Kansas and stayed a little while?
A Yes sir.

Mr. Hastings: Objected to as being leading and argumentative.

On Behalf of the Commissioner: The objection will be noted.

- Q What has always been Charity's home?

Mr. Hastings: Objected to because that is a question of law now being investigated.

On Behalf of the Commissioner: The objection will be noted.

- A She lived around here in the Cherokee Nation.
Q Never made her home of your own knowledge anywhere else? A No sir.

BY MR. HASTINGS:

- Q Now you stated you come back two years after the war and Charity come back the year after you come? A I didn't say a year after I come. I come in '65 and she come in the fall of '66.
- Q How many years after the war was it, you said you come two years after the war and she come the year after you did? A Well if the war ceased in '63.
- Q Now without any reference to whether it ceased in 1863, '93 or '83, I am asking you how long after the war before you returned and then how long after that before Charity came back? A I returned in '65.
- Q You know you are not going to beat about the bush that way, I never asked you what year you returned, I am asking you how long after the war was it until you returned, that you must answer?
- A That would be about 4 years.
- Q You returned about 4 years, did you? A As near as I can guess at it.
- Q Where were you during the war? A I was in Kansas.
- Q How long did you remain there after the close of the war before you came back to the Cherokee Nation? A We stayed in Kansas 5 years.
- Q Five years in Kansas after the war? A Yes sir.
- Q Then the next year after that is when you saw Charity here?
- A In the year of '66, yes sir.
- Q I am not asking you '66, I am asking you how long after you came back before you saw Charity? A It was the next year after I came back.
- Q Then it was 6 years after the war before you saw Charity? A I am not an educated fellow, I can't tell much about figures; that is the reason I am trying to count on my fingers.
- Q I am asking you with reference to years, about how many years after the war before you first saw Charity? A About 6 years after the war.
- Q That is your best judgment? A Yes sir, if I am not mistaken.
- Q You say her up there and that is the time you have been testifying about? A Yes sir.

BY MR. HEDSON:

- Q Do you come back to the Cherokee Nation within the limits of the Treaty? A Yes sir.

Mr. Hastings: Objected to as being leading.

On Behalf of the Commissioner: The objection will be noted.

- Q It was the next year after you came back before you saw Charity?
- A Yes sir.

WITNESS EXCUSED.

NELSON MOORE, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows:

BY MR. HEDSON:

- Q What is your name? A Nelson Moore.
- Q How old are you? A 53.
- Q You are a Cherokee Freedman? A Yes sir.
- Q On the roll straight? A Yes sir.
- Q Where do you live? A Up in Delaware District near Ketchum.
- Q How long have you lived there? A All my life pretty near, lived there about 35 or 40 years, somewhere along there on the place where I am living now.
- Q Did you know George Landrum? A Yes sir.

- Q Peggie Landrum? A Yes sir.
- Q Did you know any of their children? A Yes sir.
- Q Name them? A Why there was Charity, and Sam Landrum, Dan--
- Q Any others that you can recollect of? A There was one named, Trunk, he was the oldest one.
- Q Was there one name Jack? A Yes sir, Jack and Jim.
- Q Do you know whether Charity was a slave or not? A Yes sir.
- Q Who did she belong to? A Daniel Landrum.
- Q A Cherokee citizen? A Yes sir.
- Q Was she a slave when the war broke out? A Yes sir, I think she was.
- Q Do you know whether she left the Cherokee Nation during the war or not? A No sir, I don't know anything about it.
- Q When was the first time you saw her after the war? A The fall of '66.
- Q Where did you see her then? A Right at home, at my step-father's
- Q Where was that? A Up there on the river where we live.
- Q In the Cherokee Nation? A Yes sir.
- Q Near Ketchum? A Yes sir, on the east side of the River.
- Q How long did she remain there in the neighborhood? A She stayed there with us all that winter and the next year she went to her father's.
- Q Where did her father live? A Down on Lynch Prairie.
- Q That in the Cherokee Nation? A Yes sir.
- Q How long did she remain there, or do you know? A I don't know just how long she did stay there, quite awhile.
- Q When did you next see her after she left your neighborhood? A I seen her off and on all the time after she left there. She come to Vinita and went west.
- Q Do you know who she married? A A fellow named,--we always called him Sheep Jim Alberty.
- Q Did you see her between the time of her leaving there and the time of her marrying Jim? A No sir, I never saw her until after she married Jim and come to Vinita.
- Q About what time did she come to Vinita? A That was along in about '75 or '76 as well as I remember.
- Q Did you see her pretty often from that time on? A No sir, not very often, she lived away out west.
- Q Out west where? A On Big Creek.
- Q In the Cherokee Nation? A Yes sir.
- Q Do you have any idea about what time she died? A I don't know, along about, I don't just remember but it was along between '79 and '80, somewhere along there.
- Q Do you know where she was buried? A No sir, I don't, she died out west.
- Q Do you know whether she had any children by that marriage or not?
- A Yes sir, I seen these two children when they were small, but I haven't never seen them since they were small. They were little fellows when I seen them.

BY MR. HASTINGS:

- Q Where did you live before the war? A I lived up on the hill road east of the Mese Ridge place, and lived right on the Mese Ridge place at the breaking out of the war.
- Q Delaware District? A Yes sir.
- Q Where did these Landrum's live? A Stayed with Dave Landrum on this side of the River, I never was there.
- Q You never saw Charity until after the war? A No sir, I never saw her.

- Q You were most too young to remember very much before the war anyhow? A Why I remember a good deal, I remember her mother, Aunt Peggie.
- Q You were not but 7 or 8 years old when the war come up? A I was about 8 or 9 years old, I remember her oldest son, one called Trunk, he was a fiddler.
- Q I want to know if you knew Charity Landrum? A Yes sir, I know her.
- Q But you never knew her before the war? A I don't remember now.
- Q You don't know then of your own personal knowledge now that she was a slave of the Landrums before the war, all you know is what you have heard? A I can't answer you there I don't believe.
- Q You don't remember, you are not certain? A No sir, I don't want to make no mistake.
- Q Now in 1866 you were not but 13 years old were you? A Somewhere I don't remember just exactly about that, 13 or 14.
- Q You give your age now as 53? A I got my age from my master after I came back here. I got my age in '66 from my master, after we got back here.
- Q What direction did Charity go during the war? A I don't know.
- Q North or south? A South I reckon.
- Q Did you hear of her being brought back? A I heard of her being brought back from the south.
- Q Are you any relation to her? A Yes sir, she is my cousin.
- Q How long after she was brought back before you saw her? A I saw her after she was brought back, my step-father went after her.
- Q Was it in a few days after she come back? A Yes sir.
- Q Where was she brought to? A She was taken down on Cabin Creek. And my step-father, Lewis Rowe, went over there and seen them and come back home and told my mother about it and she told him to go and get them and he did.
- Q Isn't it rather remarkable that you and Tom upon the stand pretty near tell the exact language used in a conversation that happened 40 years ago,---did they stay right around there in that neighborhood? A She stayed awhile, her father come and got her and she stayed down there.
- Q How long? A Stayed around there until she went out west.
- Q I am trying to get you to estimate how long she stayed? A I don't know how long.
- Q 3 or 4 or 5 years? A She stayed around there probably three years.
- Q Right in that neighborhood? A Yes sir, stayed with her father.
- Q Continuously all this time? A Stayed with her father when she was there.
- Q I said did she stay there continuously all this time? A Well what time she stayed there she stayed there.
- Q Of course, but what time you are sitting in this room you are here,---now I want to know if she stayed around there continuously all the time until she left? A Yes sir, she stayed around there until she left.
- Q For two or three years? A She stayed around there awhile.
- Q Did she stay around there until she went out west, all the time? A Yes sir, I think she did.
- Q Do you know John Landrum or Jack Landrum, her brother? A Yes sir.
- Q He has filed an affidavit in this case taken before I. P. Bledsoe on the 22nd day of December, 1905, in which he states, "I had a sister Charity Landrum who belonged to the same Cherokees and went south at the beginning of the war into the Choctaw Nation, but returned to the Cherokee Nation in '65 or '66, and my sister Charity came back with them and came on up into Kansas with Lewis Rowe to where I was, and came back to the Nation with us in the fall of '66, etc.,." Is that statement of her brothers filed in support of a motion to reopen in this case, true or not? A She came from the Choctaw Nation with her sister Sophia and Hester Landrum.

- Q Did she go on to Kansas as John Landrum states in this affidavit?
A I think she did.
Q Why is it you just now swore she lived right there in that neighborhood all the time for two or three years and when she left she went out west, out there? A I don't know just whether she did or not, I couldn't say where she went.
Q Do you think that same fall she did go up there? A No sir, she stayed with us in the fall of '66.
Q Then if her brother swears that, it is not true is it? A I don't know nothing about that.
Q Well they both cannot be true, she either went or she didn't go?
A I don't know about that.
Q If Mary Landrum, his wife, swears practically the same thing, is that true or not? A I don't know about that Mr. Hastings. All I know, step-father went over on Big Cabin and got her and she stayed with us that winter and in the spring and summer of '67, and then her father come and got her and she stayed down there.
Q You have never made any original affidavits in this case, have you? A No sir, not for Charity.
Q Did Charity have some children? A Yes sir.
Q What was her oldest child's name? A Fred.
Q Fred what? A I don't know, he was an out child.
Q By who? A Jack Buffington supposed to be.
Q Where does he live? A In Parsons.
Q Where did he live then? A In that neighborhood.
Q When was that child born? A I don't remember, long in,---as well as I remember it was along in '68 or '69.
Q You don't remember exactly the year? A No sir, I don't.
Q You just cannot be positive about the year it was born? A No sir, but she had the boy, I am positive of that.
Q Did she have another one? A Yes sir.
Q What was its name? A Tom.
Q When was it born? A Right smart little while after that. But I can't remember exactly when it was, he was another out child and I never paid any attention to it.
Q What year did Charity die? A I don't know when she died.
Q Why? A Because she lived 30 or 40 miles from me.
Q You don't know the year of her death nor do you know the year her first two children were born? A No sir.
Q You know 1866? A Yes sir, I knew '66.
Q You were a slave before the war? A Yes sir.
Q You have been making some affidavits in other cases recently?
A Yes sir, I made some.
Q Did you ever make an affidavit in the Moss Riley case with reference to the date of the return of his father, Samuel Riley, or Riley McNair? A I made an affidavit, yes sir.
Q In that case? A I think I did.
Q Before whom? A Cale Starr.
Q Did he have a Notary? A He didn't have one at the time.
Q Did you swear to it before the Notary? A Yes sir, I swore to my statement.
Q Before what Notary? A I don't know what his name was now I thought we were trying this case.
Q I am asking you about some more? A I don't have to answer them.

On Behalf of the Commissioner: Yes, you will have to answer them, you are sworn to tell the truth, the whole truth and nothing but the truth.

- Q Did you swear to it before a Notary? A Yes sir.
Q Do you remember the Notary's name? A No sir.

- Q Do you remember when you made the affidavit in the Mose Riley case,---well was it made before an old man or young man, or do you know? A It was a young fellow but I just couldn't answer that.
- Q Was it made before a man or woman? A I made one affidavit before a woman.
- Q In that case? A I don't know which case it was, there was so many of them.
- Q What woman? A I don't know her name.
- Q You have made so many you don't remember? A No sir, I don't.
- Q You have been in the habit in the last six months of making an affidavit about every one that was asked of you? A No sir.
- Q When did you swear in that affidavit that Mose Riley's father and his family returned to the Cherokee Nation? A I don't remember the day now.
- Q You wouldn't then be willing to testify positively as to the date of their return? A I aint testifying as to Mose Riley's return, it is his father's return.
- Q I say, you would not be willing to testify positive as to when his father returned? A Yes sir, I seen him when he come.
- Q Didn't you say awhile ago to a question above that you were not positive? A I didn't know what question you put to me.
- Q Well are you positive as to the date of his father's return? A Yes sir, to the best of my recollection I am.
- Q That is not the question I asked you, are you positive as to the date of his father's return? A Yes sir, I am positive.
- Q When? A It was al ng in '66, along in the fall.
- Q To what place did he come? A Come over there to the old Bob Daniels place, on the road.
- Q Have his family with him? A No sir, just himself.
- Q On his way back? A Yes sir, on his way back here.
- Q About wht time in the fall was th t? A Why it was al ong the first part of the fall to the best of my memory.
- Q Where did he come to then? A He come on down here to McHair's, they said, I don't know where he come to, down on Spring Creek.
- Q How long was it before you ever saw his family? A It was a good bit.
- Q Two or three years? A No sir, he made a crop, then went back and got his family.
- Q Made a crop the next year? A Yes sir.
- Q In '67? A Yes sir, '67, then went back and got his family.
- Q Did you make an affidavit in the Sam Landrum case and William Todd case? A Yes sir.
- Q Where did you make that one? A Vinita.
- Q Before whom? A Cale Starr made it out.
- Q What Notary swore you? A I went before the Commissioner to the best of my recollecti;n.
- Q Where did you swear that Boney Dan came to, who is the father of Dan Landrum? A To the Lewis Kell place.
- Q Did you put that in the affidavit? A Yes sir.
- Q What year did you say you saw him? A Well that was in the fall after he come back, in the fall of '66.
- Q How long after that before you saw his family? A Why it was when I seen his family, that was in '67.
- Q I will ask you if you didn't sign an affidavit in that case in which you stated, "I knew he came to the Cherokee Nation, Indian Territory, with his family and effects and permanently located therein in the fall of the year 1866?" A I don't know, that might have been put in there, but he come here himself, I knew he was here and his family come afterwards.
- Q Did you swear that? A I reckon if I swore it I must have swore it.

- Q Is it true? A Well he come first.
- Q You just swore you never saw his family that year? A It was the next year I saw them.
- Q Are you in the habit of swearing things so miscellaneous as that? A No sir.
- Q Was it true that you saw his family and they permanently located in 1866, with his family here? A Boney Dan was the man I am swearing on.
- Q I am asking you if you swore his family was here and they permanently located here in 1866, you know whether that was true or not? A The old man is the man I made a statement, I didn't put that in there.
- Q Then that is not true that which is in this affidavit, a copy of which you have heard read, made on the 25th day of May, 1906, in the Sam Landrum case? A It is true that Sam Landrum's father was here.
- Q How about his family? A I don't know about it.
- Q And was he at Lewis Kell's? A The old man was the one that I swore about.
- Q You didn't see his family in 1866? A No sir, I didn't see his family.
- Q Where did you first see him? A The first place I saw him he come down there on the river on the old Dr. Thompson place.
- Q Did you just now swear that it was at Lewis Kell's? A Yes sir, there is where he was but I saw him again down there at the Dr. Thompson place.
- Q But you had done seen him there at the Kell place? A Yes sir.
- Q Working in a blacksmith shop? A He wasn't at work but he was there.
- Q Have you made an affidavit in the James Neal Vann case? A Yes sir.
- Q Before whom did you make that affidavit and for whom? A Made it for Cale Starr, he wrote it out.
- Q When did you first see James Neal Vann after the war? A The first time I saw him was down on Lynch Prairie in Saline District.
- Q How long after the war was that? A It wasn't so long.
- Q Two or three years? A No sir it wasn't no two or three years.
- Q Well what year was it? A It was in '66, long in the fall.
- Q What time of the year of 1866? A Along about the latter part of the fall.
- Q Who did you see him with? A With a lot of other boys around there.
- Q You don't know who he come with? A No sir.
- Q But you just only know you saw him down there? A Yes sir.
- Q And you saw him there in the fall of '66? A Yes sir.
- Q Now that is the truth is it? A Yes sir.
- Q Now you made an affidavit the first day of August, 1906, before Thomas J. Farrar, U. S. Commissioner, a copy of which I hold in my hand and in which you stated as follows: "Sometime in the spring of 1866 the applicant, James H. Vann returned to the Cherokee Nation from Kansas with his old man Jess Vann, Gilbert Vann, Zeke Eaton, Katie Vann and George Musgrave." Now you state that you never saw him until late in the fall and that you saw him down in Saline District, and that you don't know who he come with? I will ask you which statement is true, the one you made before Commissioner Farrar or the one you are making here before the Commissioner today? A I haven't got any more answers.

On Behalf of the Commissioner: Answer his questions.

A I wasn't subpoenaed here in that case.

ON BEHALF OF THE COMMISSIONER:

Q Do you know which of your statements are true? A (No response).
Q Do you refuse to answer? A No sir, I don't refuse to answer. I recall my first answer because I spoke before I was thinking what I said. The statement what I signed there is true. I recall this answer I made today that it was in the fall of '66.

BY MR. HASTINGS:

Q Do you know now who he came back with? A With them folks.
Q Now who were they? A Well it was Tom Eaton's brother.
Q Did he come back in the fall or spring? A Come back in the spring because they come by the old Daniels' place there and stopped and eat dinner.
Q Why didn't you swear that awhile ago? A Because I was just thinking about it. Because I will tell you I don't want to come so far from my home and make any false statements, but of course whenever you smart men get hold of anybody and they speak things before they think.
Q Did you make an affidavit in the Jennie or Harley Martin case?
A I made one for Uncle Nels Martin case.
Q A to when Nels Martin returned? A Yes sir.
Q Before whom was that made? A I don't remember now Mr. Hastings.
Q How come you to make all these affidavits here in the last six months. At whose suggestion have they been made? A Why the applicants ask me what I know about their folks.
Q Where did Nels Martin return to after the war? A Come down on Lynch Prairie.
Q To what old place? A I don't know just exactly what place he come to, just when he got in there but the first time I seen him was at that old Spring Frog School House one Sunday to Church.
Q About how old were you when you saw him? A About 14 or 15 or 13.
Q Might have been as much as 15 or 16? A No sir, I wasn't that old.
Q Were you as old as 14? A I was 13, it was in the fall of '66.
Q All of this happened in the fall of '66? A Yes sir, we went down there to meeting one time.
Q Did you see his family? A No sir, I didn't see his family.
Q How long after that before you saw his family? A Oh, I seen him, it was quite awhile before I seen his family.
Q Well about how long? A I reckon it was two or three months, or 3 or 4 months.
Q Did you see his family that year? A Yes sir.
Q Where? A Down there in that country.
Q On what place? A I forget the name of the place down there.
Q Don't recollect it now do you? A It seems like it was a place George Clark used to own but I forget the name of it.
Q Did he have any children at that time? A Yes sir, he had some children.
Q Was it then before or after Christmas that you saw the family?
A It was along before Christmas.
Q You don't know a thing about it, it is all guess work with you, aint it? A I get my memory bothered sometimes, I never told that.
Q Did you make an affidavit in the Bertie Martin case? A I made an affidavit that I seen her mother when her mother come.
Q What was her mother's name? A Her name was. I will tell you directly, I never saw her but a few times. That is when she come up to her father's.
Q Was that the first time you saw her? A No sir, I seen her down to Gibson when they were down there in the fall of '66. We went down there in the winter or fall like of '65 and we stayed down there all that winter and in the spring of '66 and I saw her.

- Q You never saw her from the spring of 1866 until she went up to her father's? A No sir, that was in '70.
- Q Do you know what her mother's name was? A Her mother went by two names.
- Q What name did you swear she went by in that affidavit? A Rose as well as I remember.
- Q That was the mother of Gertie? A No, that was Gertie's grandmother.
- Q What was Gertie's mother's name? A Phyllis.
- Q Phyllis what? A I don't know what her other name was.
- Q Did you ever make an affidavit in the Elias Downing case? A Yes sir, I think I did.
- Q How is it you never testified as a standing witness in any of these freedmen cases until within the last six months? A None of them never asked me to.
- Q Were you living right in the community with them? A Yes sir.
- Q When did you first see Elias Downing after the war? A The first time I seen him he come up there in the summer of '66. We were living on the old Bob Daniels place.
- Q He come to the old Bob Daniels place? A Yes sir, come in that neighborhood, his father lived right there on the hill and it was in the fall. The latter part of the summer or fall Elias come because his father lived on the Bob Daniels place that spring and he bought another little place down on the river and Elias went down there.
- Q How long did he stay there? A He stayed there until he got scared and run off and went back to Texas.
- Q How long was that? A It was a good long while, stayed there until in '67 I think it was.
- Q What time in 1867? A To the best of my recollection it seems to me it was in the fall of '67 Mr. Hastings, I think now. That was the time he run off and went to Texas, got into a little whiskey scrape.
- Q How long was he gone to Texas? A Three or four or five years, I don't know how long he was gone. He was gone quite a bit and when he come back he had a family.
- Q What year did the war close? A Closed in about '63 I reckon.
- Q Now how many years after the war before you saw Charity? A '65 or '66.
- Q I never asked you what year, of course you would say '66, I am asking you how many years after the war closed? A It was a little over two years, being in '66, lets see.
- Q I am not asking you if it was '66. You think now,---answer the number of years it was? A Why it was two years and a little over, 8 or 9 months, maybe 10.
- Q After the war? A Yes sir, it was in '66.
- Q Now lets return to the Sam Landrum case, you made an affidavit before the Clerk in that case, didn't you, Clerk Davidson or his brother, E. B. Davidson? A No sir, I didn't go before him.
- Q You know Clerk Davidson's brother E. B. Davidson? A I have seen him.
- Q You never went before him? A Yes sir, I went before a Clerk.
- Q Did you make an affidavit in the Sam Landrum case before E. B. Davidson, Deputy Clerk, at Vinita? A The affidavit was made out and just took me in there and he swore me.
- Q You testified awhile ago that you saw Beney Sam Landrum at the Kell place first didn't you? A That is what I stated, but you have got me bother up.
- Q You cannot tell about these cases unless you are refreshed just before you come in in each individual case, can you? A I don't understand what you are trying to do Mr. Hastings.

Q I am asking you now, when you said awhile ago when you first saw Boney Dan Landrum and where after the war? A Well I cannot answer that.

Q When did you see Boney Dan's family after the war, can you answer that? A No sir, I can't answer that.

BY MR. BEDSOE:

Q Now Nelson when did you first see Charity Landrum after the war?

A Why it was in '66, right at home.

Q When did you come back to this country? A In the fall of '65.

Q Now why do you know that it was in '66? A Because it was the next year after we come from Kansas.

Q Did you have to get here within a certain time? A That is what they said.

Q You are satisfied that Charity came here within that time?

Mr. Hastings: Objected to because he is only asking for an opinion.

On Behalf of the Commissioner: The objection will be noted.

A I know she come here.

Q Within the limits of the Treaty? A Yes sir, come right there and lived with us until spring, I know that.

Q And what is your best knowledge in regard to where she stayed and made her home afterwards? A She just made her home in the Cherokee nation all her life.

Q Live and die here? A Lived and died here and buried here.

BY MR. HASTINGS:

Q How do you know she was buried here? A They said she was.

Q You never saw it? A No sir, that is what they said.

Q You are willing to testify anything what they said, didn't you testify awhile ago she might have gone to Kansas? A She didn't stay long in Kansas if she went.

Q Didn't you testify she went up there? A I said she might have gone up there.

Q Then if John Landrum swears he brought her back, is that true?

A I don't know nothing about that.

BY MR. BEDSOE:

Q When these people came back after the war there was nothing here to subsist on? A No sir.

Q They had to go some place to get something to live on? A Yes sir.

Q She might have been gone to Kansas and stayed a little while and then come back? A If she went she stayed a mighty little while.

Q How do you get the impression that she was,--that her parents were the slaves of Cherokee citizens in the Cherokee Nation?

Mr. Hastings: Objected to as being irrelevant and immaterial, the question is as to Charity Landrum, the mother of these applicants.

On Behalf of the Commissioner: The objection will be noted.

Q How did you all get information that a person was a slave?

Mr. Hastings: Objected to as being irrelevant for the reason that this witness testified already under oath that he didn't know Charity Landrum, the mother of these applicants before the war and had never seen her until after the war.

On Behalf of the Commissioner: The objection will be noted.

- Q You know Charity's father and mother? A Yes sir.
Q You knew them to be slaves? A Yes sir, they belonged to, Dave Landrum,--Uncle George used to drive his teams.
Q How did you know Charity to be their child? A Because I heard her call them mother and father.
Q All lived in the same family? A Yes sir.

BY MR. HASTINGS:

- Q That was after the war? A Yes sir.

WITNESS EXCUSED.

HANNAH THOMAS, being first duly sworn by John E. Tidwell, a Notary Public, testified as follows:

BY MR. HENDERSON:

- Q What is your name? A Hannah Thomas.
Q How old are you? A I guess I am 54 years old.
Q Where do you live? A I live on the Dirty.
Q What is your postoffice? A Keifton.
Q Cherokee Nation? A Yes sir.
Q Did you know Charity Landrum? A Yes sir, she was my sister.
Q Who did she afterwards marry? A She married a man by the name of Jim Alberty.
Q Do you know where she was living when she died? A No sir, I don't know just exactly where she was living, I never was to her house after she married him.
Q Were you a slave? A Yes sir.
Q Of a Cherokee citizen? A Yes sir.
Q To whom did you belong? A Aaron Landrum.
Q Who was the woman? A Easter Landrum.
Q Did Charity belong to the same man and woman? A Yes sir.
Q Did Charity go out of the Nation during the war? A During the war we all got separated, sister Charity went south and we went north.
Q When did you first see Charity after the war? A It was right away after the war. When peace was declared she went to Kansas where I was, me and my grand-mother. My father when he come from Kansas he left some of us up there, couldn't bring us all and when he went back after us Sister Charity went back up there on the wagons to see my grand mother.
Q When was that? A That was in '66 I guess.
Q How long did Charity stay up there that time in Kansas? A She never stayed there long.
Q About how long? A Two or three weeks.
Q Where did she go then? A Come back to the Nation.
Q Did she stay here in the Cherokee Nation then after that time? A Yes sir.
Q Whereabouts in the Cherokee Nation? A When I left she was at home.
Q Where was that? A On Grand River.
Q Near what place? A On Lynch Preririe.
Q Did you see Charity any more after that? A I haven't seen her since I left home, I haven't seen her since she married this last man she did.
Q Did you see her off and on before that time? A All the time we were at home together.
Q Where was that? A My father George Landrum.
Q And he lived here in the Cherokee Nation? A Yes sir.
Q And what was his name? A George Landrum.
Q What was your mother's name? A Reggie.

BY MR. HASTINGS:

- Q Aunty, what year is this? A Well this is 1906 so I am told, I looked when I went home and looked at the Almanac and seen it was 1906.
- Q The other day after you were a witness here? A I was bothered and I didn't know whether it was 1906 or 1902. I says to my daughter I was far off of it wasn't I.
- Q What year was the Kern-Clifton payment made, when that big roll was made? A What was that called, the '80 roll.
- Q I am not giving you the year, but what year was that made? A I don't know.
- Q Well this last roll when all the freedmen got that big payment, what year was that. Do you know one year from another? A I just disremember what year that was, that Kern-Clifton,---
- Q What year were you born? A I don't know.
- Q How old were you when the war come up? A My father said I was 8 years old.
- Q What year did the war close? A I don't know what year it was. I know they fit three years, I think it was. The war went on three years.
- Q What year were you married? A I was married in '74. Yes sir, I can remember that.
- Q Is that the only date you remember? A I kept a record of that. Well now there is some things I can pretty well recollect and there are lots of things I can't, because I never kept them in my mind.
- Q You say you and your Sister Charity separated during the war?
- A Yes sir.
- Q And you saw her in Kansas after the war? A Yes sir.
- Q And you left her up there and come down here? A No sir, she come back before I did.
- Q With Jack, or your brother John? A I don't just remember whether it was brother Jack, she was living with a man named Jack Buffington and I think that was the man she come back with.
- Q She was living up there with Jack Buffington? A She wasn't living up there, just went in after the rest of my father's things. After I come back home from Kansas, after my father sent for my sister Charity was at my father's house.
- Q How long did she stay there before she went up in Kansas? A When she come from the south she come and found her father, my father, there, George Landrum.
- Q Where were you then? A I was left in Kansas. My father couldn't bring us all when he come, he left a load or more and some of his things and left me with my grandmother and said as soon as I can send back after you all I will send after you, and when he sent back after us Sister Charity went on the wagon to Kansas.
- Q But you don't know how long she had been here because you hadn't seen her until you ~~met~~ met her up there in Kansas? A That was the first time.
- Q Then you come back with the wagons and left your sister Charity up there with Jack Buffington in Kansas? A No sir.
- Q Did she return in the wagon? A No sir, she just come back.
- Q Did Jack Buffington come back with her? A Jack Buffington come back.
- Q Did she continue to remain there then? A She stayed with my father until I left father's.
- Q How long was that? A How long that has been?
- Q Up until the time you married? A Yes sir.
- Q Up until 1874 continuously? A Yes sir.
- Q Now Hannah John Landrum makes an affidavit before Mr. Blodges, the Attorney for these applicants, on the 22nd day of September, 1905, in which he states: "I had a sister Charity Landrum, who

- belonged to the same Cherokees and went south at the beginning of the war into the Chectaw Nation, but returned to the Cherokee Nation in '65 or '66 and my sister came back with them and came on up into Kansas with Lewis Rowe to where I was and came back to the Cherokee Nation with us, etc." Is it true she came back here with your brother John or Jack, who is the same person?
- A There was a whole lot of them come. I guess she was telling you the truth about it. You see there was so many of them come, just come back to the Cherokee Nation by bunches.
- Q Then it isn't true she came back in the wagon with you? A Come back in the wagon with me? Did I say she come in the wagon with me? I say she came back after she got up there.
- Q But she didn't come back with you? A No sir.
- Q You come on ahead of her? A We didn't all come back together. We had to come just as we could come back.
- Q Who did you come back with? A I come back with my Sister Sealey.
- Q Who did Charity come back with from Kansas? A She come back in the wagons that my father had sent up there after the rest of his things.
- Q But you didn't come back in that wagon? A No sir, I don't remember of coming back in that same wagon.
- Q Do you know Mary Landrum, Jack Landrum's wife? A Yes sir, I know her, my sister-in-law.
- Q She testified before Mr. Hledsoe, the Attorney of record in this case in this affidavit on the 22nd of September, 1905, that Charity went to Kansas and came back to the Cherokee Nation with her? She is Jack Landrum's wife? A Yes, as I told you I can't remember all of them that come. You see I was just a child; he had me hired out to the white folks and I don't know exactly who all of them come together.
- Q Now what I am trying to get at with whom Charity returned from the State of Kansas? If she returned with John Landrum your brother, and his wife Mary? A I guess she did, if brother Jack says so, because we were not always living together.
- Q I want you to answer if you know with whom she come? A I knew only that I told you awhile ago, she was with Jack Buffington that was her husband then.
- Q Do you know whether John Landrum, your brother and his wife, Mary, brought your sister Charity back here with them from the State of Kansas, when she first come from Kansas after the war? A They come back from Kansas after the war. I wouldn't dispute my brother Jack, if he says they all come, I will tell you as far as I know about it. There was so many of them come at the time.
- Q Now I am not asking you whether you are going to dispute your brother or not, I am going to ask you what the truth is about it? Is that the truth or not the truth? A It must be.
- Q Do you know that it is the truth? A I am telling you as far as I know about it. I told you I don't know how many wagons come because they were all coming as soon as they could come.
- Q How many years was it after the war? A It wasn't a year, peace hadn't been declared long. It was dangerous times.
- Q Now the truth is you didn't know one year from another, did you,--you had been a slave? A Yes sir, I was a slave and didn't have no education.
- Q You couldn't read nor write then? A I can't read nor write yet.
- Q Who was you hired to in the State of Kansas just before you come down here? A I lived with a white woman named Mary Brindley.
- Q Near what town? A Near Meeche Falls.
- Q Lived right in the town? A Yes sir.
- Q Did she have any children? A Yes sir, had two children.
- Q What were their names? A Charlie and Carrie.
- Q Do you know whether they are living or not? A No sir, I don't.

- Q Whose place did your father live on up there? A I can't remember what the man's name was.
- Q Whose place did your brother John or Jack live on? A I don't remember.
- Q Did he live in town or out in the country? A He lived out in the country because they were on a farm.
- Q Did you know any family up there named Lynn? A No sir.
- Q Moore? A No sir.
- Q Well the truth now is you are not certain ~~that~~ with whom your Sister Charity returned from Kansas? A I couldn't remember them all.
- Q But you think she come back with your brother John? A She come the same time. I don't know.

ON BEHALF OF THE COMMISSIONER:

- Q Who is it you say owned Charity? A Aaron Landrum.
- Q What was his wife's name? A Easter.
- Q Did they own you? A Yes sir.
- Q Were they both Cherokees by blood? A They were.
- Q Where did they live when the war broke out? A Up here close to, on Verdigris close to Vinita.
- Q In the Cherokee Nation? A Yes sir.
- Q Charity live there with them? A Yes sir, all lived there together.

BY MR. BLADSOE:

- Q Do you know when you returned to the Cherokee Nation, what year it was? A I don't remember what year it was.
- Q Did anybody come up thereto warn you all when to come back? A No sir, I don't remember whether they did or not.
- Q How long after the war was it that you come back? A Well it was about a year I guess after the war.
- Q How did you know that it was 1866? A I heard them say it was '66.

BY MR. HASTINGS:

- Q You have been hearing that ever since, haven't you? A Have been hearing that ever since I was a little child.
- Q What become of Jack Buffington's child by Charity? A It died down on the river.
- Q How long after she come back? A I don't remember just how long.
- Q You said Charity went to see her grandmother? A I said Charity went to see me and grand-mother.
- Q What was her name? A Lucy Muskrat.

Mr. Hastings: The Cherokee Nation requests that the case go over until tomorrow morning at 8:30 A. M. in order that the testimony of a witness subpoenaed from the State of Kansas may be taken. It is now 4:15 P. M. and our understanding is that the witness is to be here, or perhaps two, but missed the train on yesterday.

On Behalf of the Commissioner: Do you object to a continuance Mr. Bladsoe?

Mr. Bladsoe: No sir.

On Behalf of the Commissioner: By agreement the case will be continued until 8:30 A. M. November 9, 1906.

November 9, 1906.

In pursuance of continuance heretofore had in this case, the hour of 8:30 A. M. having arrived, this case was called for further hearing at which time the following proceedings were had:

C. W. LEARNED, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of the Cherokee Nation:

BY MR. HASTINGS:

- Q What is your name? A C. W. Learned.
- Q What is your postoffice? A Neosho Falls, Kansas.
- Q How old are you? A About 51.
- Q How long has your residence been either at Neosho Falls, Kansas, or in the vicinity thereof? A About all my life.
- Q Were you there during and just after the war? A Yes sir.
- Q Did you ever have occasion to know a freedman by the name of John or Jack Landrum? A I know one called Jack.
- Q Did you know him there? A Yes sir.
- Q Did you know a Jim Landrum? A Yes sir.
- Q What relation was he to Jim? A Brothers I expect.
- Q Is this same Jack or John Landrum,--did you ever see this Jack or John Landrum down here in the Cherokee Nation? A I seen them when I was down here before.
- Q In what case? A When I was down here in the Jim Landrum and Kirkpatrick case.
- Q Was he a witness here at that time, John or Jack Landrum? A I suppose he was, I met him on the stairs. Yes, I guess he was on the stand when I come in.
- Q That is the John or Jack Landrum about whom I am inquiring, and about whom you are testifying is it? A Yes sir.
- Q You talked to him some that day? A Yes sir, I talked to him on the stair here.
- Q Did you recognize him? A At first he was a little bit old, I asked him if he was Jack Landrum and he said he was, and I told him who I was and he said he recollected me.
- Q Did you know him in Kansas? A Yes sir.
- Q When did you know him? A I knew him along in 1868.
- Q Did you get acquainted with him during the war? A I recollect along about 1868.
- Q Did he have a family? A Yes sir.
- Q Did his family live up there? A Yes sir, lived on my Uncle's place.
- Q What was your Uncle's name? A William D. Learned.
- Q As late as 1868? A Yes sir.
- Q Why do you recollect they were living there in 1868? A Because, I had a cousin out to visit me from Illinois and they had a camp meeting there and he wanted to go down and see the camp meeting and Jim was there and he got into trouble with Jim, had a few words with him, I don't know just how it started, but he asked Jim to come outside, he would settle it with him, and Jim told him he didn't want to go out there and get shot, and I told my cousin to come on and lets go home and not raise a disturbance.
- Q Was this Jack there at that time, I mean in the country there?
- A Yes sir, he lived there, it was right by his house.
- Q And he lived on your Uncle's place? A Yes sir.
- Q Do you know whether or not,--did you know Charity Landrum, a sister of John's? A I couldn't swear I knew Charity, I knew his children running around there and a girl there but I don't recollect her name.
- Q How far did you live from there? A It must have been a half mile

BY MR. HLEDSON:

- Q When did you first see Jack there? A I couldn't say positively when I first saw him there. I seen him off and on several times before this because he had been living there.
- Q Was he farming there or what was he doing? A Working mostly for my father. You see at that time my father's brother wasn't a married man and he lived with us part of the time and afterwards he got married and my father had the management of my Uncle's 160. Jack worked a good deal for us.
- Q Worked by the day or month? A By the day.
- Q Do you know whether he was down in the Territory or not during that time? A I couldn't say, he might have down a few,--several times for all I know but his family was there.
- Q Did they stay there continuously, Jack's family? A Up until they moved to the Nation. They stayed in the neighborhood, of course they didn't stay there all the time.
- Q You don't know then of your own knowledge whether he was down to the Nation or not? A He might have went himself, but didn't move his family down.
- Q When did he leave up there and come to the Nation to remain permanently? A I don't know as I could say just when he left there.
- Q You didn't see him after '68? A Well it was along in '68, it might have been in '69, and he might have left the latter part of '68, but he was there in '68.
- Q Do you recollect of seeing a girl there named Hannah, you stated you didn't recognize any named Charity? A No sir, Jack had a family of his own, there was a girl running around there but I don't know who she was.
- Q You don't then know of your own personal knowledge whether Hannah or Charity was there, anybody except his own family? A Why this girl was there but I don't know whether it was this one or not.
- Q How old was that girl you saw there at that time? A Well she was a small girl.
- Q About how old? A Good size girl though.
- Q Your best judgment, was she 12 or 15 years old? A I don't know, I don't believe she was that old.
- Q Well about how old? A I don't know, I couldn't guess it, she might have been 5 or 6 years old and might have been older.
- Q In fact your recollection in regard to it is very indefinite?
- A Yes sir.

ON BEHALF OF THE COMMISSIONER:

- Q Do you know when Jack or John Landrum left Kansas? A No sir, I couldn't say when he left there with his family.
- Q Do you know whether he was married at that time? A Yes sir.
- Q Do you remember his wife's name? A Used to call her Mary Ellen, she was a yellow woman, a large woman.
- Q Did you know a George Landrum up there? A I had seen him around, the old man around with Jim and Jack but I never had any personal acquaintance with him.
- Q When was the last time you remember seeing George Landrum in Kansas? A Well I don't know as I could say, it was when they were all up there.
- Q About how long after the war? A Well it must have been along in the neighborhood of 1868 or '69, somewhere along there.
- Q Did you know Peggie Landrum? A No sir, I didn't know her, I had heard of her.

W I T N E S S E X C U S E D .

Mr. Hastings: I desire to offer the testimony of John Landrum taken in the case of Andy Rider, Cherokee Freedman R 200, on November 16, 1905, before the Commissioner to the Five Civilized Tribes in rebuttal of the affidavits filed by John Landrum and his wife, and the statements made by witnesses to the effect that Charity Landrum returned with the said John Landrum. This testimony is introduced for the purpose of showing the date that John Landrum claimed that he returned with his family to the Cherokee Nation, which he states was in 1867.

Mr. Bledsee: I have no objection to that testimony.

On Behalf of the Commissioner: There being no objection to the filing of the testimony mentioned, a copy of the same will be filed with and made a part of the record in this case.

HANNAH THOMAS RECALLED:

BY MR. HEDGECOCK:

- Q Hannah, do you know a man named Learned, or did you know C. W. Learned, who lived at Neosho Falls, Kansas,--Charlie Learned?
- A I don't just remember that name.
- Q A man who claims that Jack ~~Landrum~~ lived with his Uncle,--did you know a family named Learned? A It seems to me I remember a family named Learned.
- Q Do you remember of Jack ever working for a family by that name?
- A I don't recollect. What part of the town did he live in?
- Q I don't know? A Did he live in Neosho Falls?
- Q Yes, lived right in the town. Did you know of Jack living with a man named Learned up there or working for him? A I don't remember the man's name that Jack stayed with.
- Q And where his family stayed? A I remember one time my brother Jack lived out in the country from the town, but it was close to a lake, but the man's name that owned the place I disremember.
- Q How do you recollect how long Jack lived there at that place?
- A He sir, I don't remember how long he stayed there.
- Q Do you recollect when Jack left there? A The place Jack lived on wasn't in town, it was out in the country, close to a big lake.
- Q Did you recollect when Jack left there and come to the nation?
- A He sir, I don't remember just when it was.
- Q Had Jack been down to the Nation before he brought his family away from there? A Yes sir, he was all the time going backwards and forwards to the Nation himself, because I remember of several trips he made back. Come down this way and then went back.
- Q Was Charity staying with Jack at the time he lived up there, or do you know? A My brother lived out there but Charity wasn't there.
- Q Was my little girl with Jack while he lived there? A Yes, when I wasn't hired out to the white folks I was staying with brother Jack.
- Q And Charity wasn't staying there with Jack? A He sir.
- Q Where was Charity at that time? A Here in the Nation I guess.
- Q When you were up there working out and living there with your brother Jack? A Yes sir, she hadn't come yet.
- Q Did Charity stay any length of time in Kansas when she was there?
- A She didn't stay long.
- Q About how long a time did Charity stay in Kansas when she was there? A To my remembrance Charity didn't stay there a month. No longer than they rest up the teams and come on back.
- Q Jack and your family were trying to get their families back here to the Nation? A Yes sir, coming back just as they could get back.

BY MR. HASTINGS:

- Q You said yesterday they come back with Jack and his family? A I said if brother Jack said she come with them I don't dispute his word.
- Q You don't dispute it now? A I couldn't tell you what she done.
- Q Well if Jack swears before the Commission himself on the 16th day of November, 1905, that he brought his family back in 1867, are you prepared to dispute that? A I don't know, I want dispute that. Of course I don't know whether it was 1867, I don't know nothing about them figures and years as I told you in the first place.

ON BEHALF OF THE COMMISSIONER:

- Q Do you know who Charity did come back with from Kansas? The first time she came from Kansas? A I don't remember exactly who she come with only I said she went with that man Jack Buffington, and I think she lived with him, but who all come with them, I couldn't tell you because I don't know,--I don't recollect.
- Q Do you know whether or not Jack Buffington, when he came down to the Nation, came before or after Jack Landrum did, or at the same time? A I don't recollect, I don't remember that. I don't know whether it was after or before.
- Q Well you stated I believe that you came down when Jack Landrum did? A No sir.
- Q Did you come before or after Jack Landrum? A I come I guess afterwards. I said I come with my sister Sealey.
- Q Do you remember when Jack Landrum came down? A No sir, I don't recollect exactly when brother Jack come, because after I come from Kansas I stayed at home with my father awhile, and after I was grown I come to Gibson and lived there and there is where I was married.
- Q As I understand it now then you don't know when Jack Landrum came or don't know when Jack Buffington came? A I was in Kansas when Jack Buffington and sister Charity were up there.
- Q Do you know whether they left there before you did? A They must have left there before I did I guess.
- Q I don't want you to guess about it, I want you to just take your time and see if you can get it fixed, whether you came to the Nation first or Jack Buffington came first? A I told you they come before I did because when I come from Kansas with my sister Sealey, sister Charity was at home with my father, and she must have come before I did.
- Q Now did Jack Landrum come before Jack Buffington came? A I told you I don't recollect, I don't know who all was in the crowd that they come in. Brother Jack may have come, there were several wagons.
- Q Do you know whether they come at the same time? A They all left about the same time, as quick as they could get here.
- Q Do you know whether Jack Landrum and his family and Jack Buffington, and those who came with him, came at the same time?
- A You done asked me two or three times.
- Q Well I know, do you know whether they come the same time? A I told you yesterday and today I couldn't tell you all who come together.
- Q Do you know whether Jack Landrum and Jack Buffington came the same time? A I don't know whether they come at the same time or not. There were lots of them leaving there, they were leaving Kansas just as fast as they could get away.

By Mr. Bixby, Commissioner: Satisfactory reasons being shown that Nellie Landrum, one of the witnesses whose testimony it has been advised was to be introduced in this case, is physically unable to appear in person at the Office of the Commissioner, at the request of the representative of applicants, the testimony of said Nellie Landrum will be taken at her residence near Vinita, Indian Territory, on this day.

In pursuance of above continuance the following proceedings were had in this case at the residence of the witness, Nellie Landrum, five miles southeast of Vinita, Indian Territory, this day, November 9, 1906:

NELLIE LANDRUM, being first duly sworn by George H. Lessley, a Notary Public for the Northern District, Indian Territory, testified as follows:

BY MR. KINGSOE:

- Q What is your name? A Nellie Landrum.
- Q How old are you Mrs. Landrum? A Just about 70, that is what I give in.
- Q You are a Cherokee by blood? A Yes sir.
- Q About how much Cherokee blood have you? A I guess about a half, we call it a half.
- Q How long have you lived here Mrs. Landrum? A At this place?
- Q Yes? A Well I moved here in '90 I believe.
- Q You have been living in this neighborhood ever since about 1866?
- A Yes sir.
- Q Where did you live before the war? A Seven miles this side of Musville.
- Q Did you know some colored people named George and Peggie Landrum?
- Q Yes sir, I knowed Uncle George Landrum, belonged to Uncle Dave Landrum.
- Q Do you know what children they had? A Well I don't remember only the oldest ones, these girls here live in town, Chlera and Sealey, I believe and Jack.
- Q Any others? A Charity and Sophia.
- Q Did they have one named Hannah? A Yes sir, Hannah too.
- Q They were slaves of Cherokee citizens at the commencement of the war? A Yes sir, they belonged to Aaron Landrum, or his wife Master.
- Q Did Charity go out during the war? A I couldn't tell you that, they were here when we moved back in '66.
- Q You saw them here in the Cherokee Nation in 1866? A I saw them at Fort Gibson when we passed. That was the only time and after that I don't know whereabouts they were. We were passing through therek along the road and they were all at a house and they yelled at us else we would not have noticed them. Called us by our names and we just drove on, we didn't stop, we just answered them.
- Q Did you see Charity any more after that? A No sir, I never seen her any more.

BY MR. HASKINS:

- Q Well you moved on up here on Cabin Creek, did you? A Yes sir, I moved over here to Mr. Buffington's old place.

- Q How far is that from Grand River? A I expect it is about 12 miles from Grand River.
- Q And how far do you now live from Grand River? A I guess it is about 10 miles from here to the nearest part.
- Q You live on Cabin Creek? A Yes sir.
- Q Then you never did see them up in this section of the country?
- A No sir, never saw them up here.
- Q Did you ever know a colored man named Jack Buffington? A No sir.
- Q You didn't see George Landrum at Fort Gibson, the old man? A No sir.
- Q You just saw some girls? A Yes sir, well the old man was ~~dead~~ then. Old man George had died before that.
- Q Do you know whether Peggie had died before that? A Well I think she had.
- Q Now do you know whether or not this Charity afterwards went on up to Neosho Falls, Kansas? A No sir, I don't.
- Q You don't know about that? A No sir.
- Q You don't know how long they stayed at Fort Gibson? A No sir, I don't.
- Q You only saw them as you were passing through? A That is the only time I saw them, when I was coming through.
- Q You don't know, of course, how long they had been there and how long they stayed there? A No sir.
- Q You just saw them the one time? A Yes sir, the one time.
- Q And you afterwards have since lived here in the vicinity of Cabin Creek between where Vinita now is and Grand River and you have never seen her since that time you saw her at Fort Gibson?
- A No sir, never have.
- Q Did you ever see George Landrum since then? A No sir. The old man?
- Q Yes? A I saw him then.
- Q I believe you said you didn't see him then? A No sir.
- Q You didn't see him then and haven't seen him since, this George Landrum, the old man? A Well there was another George, his son, maybe it was him. I don't know where he went.
- Q Well I am talking about Charity's father, you never saw him?
- A Yes sir, old George Landrum.
- Q You never saw him at Fort Gibson? A No sir, I never seen him.
- Q I thought you said he was dead then and you never saw him?
- A Yes sir, I thought he was dead but I remember he was alive when they had the small pox down here.
- Q That was about 1883? A Yes sir, I guess it was.
- Q You never saw him until about 1883? A No sir, they were living here on the River somewhere, that was the first time I guess he ever came around.

BY MR. HENDSON:

- Q Who was in that crowd of girls when you saw them at Fort Gibson?
- A I don't remember, there was several standing there, we were in a hurry, there was 4 or 5 were standing there and when they spoke. I guess they were all of the same family.

ON BEHALF OF THE COMMISSIONER:

- Q Did you see Charity at that time and recognize her? A No sir, I didn't recognize her,--said they were all standing there, we were just passing, never stopped long enough to see who all was there.
- Q Can you state whether or not Charity was in the crowd there?
- A I guess she was, they were all there.

BY MR. HASTINGS:

Was Chlora Foreman? A Yes sir.

Q She told you they were all there? A She said, we were all standing there when we passed.

ON BEHALF OF THE COMMISSIONER:

Q Do you know who all were in the crowd? A Well I know three, we just spoke.

Q Which three were they? A Them two oldest ones, Chlora and Sealey.

Q And Charity? A Yes sir.

Q Do you know where Peggie was at that time? A No sir, I don't.

Q Do you know whether or not she was living? A No sir.

Q Now was Peggie the slave of a Cherokee? A Yes sir, she belonged to Aaron Landrum, or rather his wife.

Q Did you ever see Peggie after the war? A No sir, I never seen her.

BY MR. HASTINGS:

Q As I now understand you, you come through Fort Gibson in 1866 and you saw Chlora Foreman and Sealey and some other colored people and you never positively identified Charity, but Chlora Foreman, her sister, has since told you you Charity was among them? A Yes sir, she said they were all standing there.

Q You were just driving through and paid no attention? A Yes sir, we were just passing by.

Q You didn't identify Charity but you did Chlora and Sealey? A Yes sir, I didn't identify them, they were several standing there on the porch.

Q But Chlora has since told you Charity was among them? A Yes sir.

Q When did Chlora tell you that? A She told me here when her and Mr. Starr come out here.

Q That was the first time you knew Charity was there? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

Q Was that less than a year ago? A Sometime last summer or last spring.

Q You never had any conversation with them at the time you saw them in 1866? A No sir.

W I T N E S S E X C U S E D .

Attorneys for applicants and the Cherokee Nation announce that they have no further evidence to introduce in this case, the same will be closed and a decision rendered on the evidence heretofore introduced.

-----oOo-----

Geo. H. Lesaley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lesaley

Subscribed and sworn to before me this 23rd day of November, 1906.

John E. Tidwell
Notary Public.

To be filed in Cherokee F. R/ 707 and 708.

Cherokee Freedman R 200.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., NOVEMBER 16, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application
for the enrollment of ANDY RIDER as a Cherokee freedman.

APPEARANCES:

For Applicant, J. J. Bulger appears on behalf of William Henry
White, Attorney for applicant.
For Cherokee Nation, J. S. Davenport.

-----00-----
JOHN LANDRUM, being first duly sworn, testified as follows:

BY MR. BULGER:

- Q What is your name? A John Landrum, they call me Jack.
Q Where do you reside? A I reside on Lightning Creek.
Q What is your postoffice? A Hayden.
Q What is your age? A I am about 64.
Q Are you a Cherokee freedman? A Yes sir.
Q Are you identified upon any of the Cherokee rolls as a freedman?
A Yes sir.
Q What rolls? A 1880 and the authenticated '80.
Q How long have you lived on Lightning Creek? A I have been there
I guess about 40 years as near as I can remember.
Q When did you go to Lightning Creek. What was the first time
after the war? A I went there in '66.
Q What time of the year in 1866? A In the fall, the latter part of
the fall.
Q Did you remain there for sometime afterwards? A No sir, not
exactly, just went backwards and forth but I had a place there.
A claim there.
Q Did you see or meet a woman on Lightning Creek in the fall of -
1866 by the name of Mariah Hayden? A I did for a fact.
Q Was there any one with her? A Yes sir.
Q Who were they? A Her daughter and a young man they called
Whitney Reed and another one.
Q What was this daughter's name? A Sarah.
Q What is her present name? A Buckner.
Q Was Andy Rider with Mrs. Hayden at that time? A Yes sir, a lit-
tle kid, small, just a boy like.
Q Where did they live, or did they live on Lightning Creek that
winter? A Yes sir, they stayed there.
Q Who stayed there? A Mrs. Hayden.
Q Did they make any improvements on Lightning Creek? A Yes sir.
Q Do you know whether or not Andy Rider remained in that vicinity
continuously after that date? A Yes sir, he did, and that is
the Gods truth, no lie, if I am telling the truth I am telling
it, that is right.
Q Has Andy Rider lived in the Nation continuously since that date?
A He has.

BY MR. DAVENPORT:

- Q You say Andy has lived continuously in the Cherokee Nation since
that date? A It was in '66 when he came there and he remained
there.

- Q What time in 1866? A Well in the fall of the year.
- Q In the fall of the year? A They come there, yes it was.
- Q Where were you in the fall of 1866? A I was there on Lightning Creek.
- Q What part of Lightning Creek? A What is near the Hayden settlement now.
- Q Were you keeping house there then? A Yes sir, of course I was.
- Q Had a house built? A Had a little house, a little old log house.
- Q Did you have your family with you? A Yes sir, at that time.
- Q Did you have your family with you? A I carried my family then.
- Q Then you and your family in the fall of 1866 were living on Lightning Creek in a house were you? A Now you ask me a question, you ask me a civil question and I will answer. I had a place ~~the~~ there ~~at~~ mind you, I made me a place at that time, my family wasn't there at that time.
- Q Did you bring your family with you to the Cherokee Nation in 1866? A No sir.
- Q Your family lived in or near Neosho Falls, Kansas, for several years after that time? A When I moved my family it was in '67 but I was here first.
- Q Didn't your family live in Neosho Falls, Kansas, as late as 1868?
- A No sir, that is the truth.
- Q Had you ever known this applicant before the war? A Well I saw him once. No I will tell you the truth I don't think I did.
- Q Had you known his mother before the war? A Yes sir, I had seen her.
- Q Who was she living with when you saw her? A One of the Cook's.
- Q Where was Cook living? A I don't know just exactly where he was living, just a man here and there, one of them wild men didn't have no certain place.
- Q Where was he when you saw her with him in the Cherokee Nation?
- A I don't know sir where Cook was.
- Q Now I want to know if you ever in your life saw the mother of this applicant, Andy Rider before the war? A Yes sir, I am telling you I did.
- Q Now I want to know where in the Cherokee Nation you saw her or where was it you saw her? A There at Tahlequah.
- Q At whose place at Tahlequah was she? A At Ben Sanders.
- Q Then you didn't see her at Cook's place as you testified awhile ago? A No sir, I didn't see her because Cook didn't have no place just rambling around here and there at that time.
- Q Did you ever see his father before the war? A No sir, I don't know nothing about his father.
- Q Were you acquainted with him mother? A Nothing in particular, just seen her, I wasn't acquainted with her.
- Q How did you know that she is now--what is claimed to be the mother of this applicant? A Just seed the people what know.
- Q I am asking you of your own knowledge? A I am telling you what I know.
- Q You don't know then of your own knowledge that you have seen the mother of this applicant? A I seed the mother, so said it was his mother.
- Q Was the applicant with the mother at the time you saw her? A No sir, I tell you not.
- Q Then you don't know anything about who is mother was do you?
- QA No sir, not just in particular but I am satisfied it was his mother.
- Q You saw the applicant come back to the Cherokee Nation with whom?
- A With Mrs. Hayden, Mariah Hayden.
- Q And he didn't come to the Cherokee Nation until she came? A She brought him here on Lightning Creek.
- Q So far as you know the applicant never returned to the Cherokee Nation after the war until Mariah Hayden brought him here? A Not to my knowledge.

- Q You don't know what year that was? A It was in '66 I told you.
Q Why do you know it was 1866? A Because I have got a right to, my mind tells me it has been about 39 years ago.
Q When did you make up your mind it has been 39 years ago? A I had it all the time just like you.
Q You talked it over today and it has been 39 years ago? A Just about that long.
Q How long has it been since the Wallace payment? A I can't tell you just exactly, not the date.
Q Can you tell me the year? A I tell you Mr. you must have a little sympathy for me cause I am a man raised up almost heedless, didn't have the chance to have the knowledge.
Q You show a decided knowledge of 1866, now I am asking you what year it was the Wallace roll was made? A I don't know just exactly what year it was.
Q What year was the Kern-Clifton roll made? A It must have been in '90--'90' somewhere along there I can't tell you just exactly. Mr. Davenport don't try to make me lie and then laugh at me.
Q What year did the Dawes Commission commence to make the freedman roll they are now making? A That has been about two years ago, I know that.
Q It has been more than four years ago, hasn't it Uncle Jack? A It hasn't been that long.
Q Don't you know that it is a fact that this Commission began making the freedman roll April 1, 1901, four years ago last April? A Four years ago, just listen at that.
Q Answer me yes or no? A I don't think it was.
Q What year did you move your family from Neosho Falls, Kansas, to the Cherokee Nation? A Didn't I tell you once.
Q You can answer the question? A I told you once, I told you I moved my family in '67.
Q What did the applicant do here the first year or two after he came down to the Cherokee Nation? A He wasn't big enough to do much, just a little piddling around.
Q Who did he live with? A Backwards and forth with Lewis and sometimes with me.
Q Where were you living on Lightning Creek before he lived with you? A In the neighborhood on Lightning Creek.
Q He didn't live with Mariah Hayden? A No sir.
Q What did he do when he was living with you? A He would do little chores around, drive up the cows.

W I T N E S S E X C U S E D .

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, and that the above and foregoing is a true and correct copy of the original thereof, the same being the testimony of John Landrum taken at Muskogee, Indian Territory, November 16, 1906, in the matter of the application for the enrollment of Andy Rider as a Cherokee Freedman, C. F. R. 200.

Geo. H. Lessley

Subscribed and sworn to before me this 23rd day of November, 1906.

O. P. Rasmus
Notary Public.

O.L.J.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-0000

In the matter of the application for the enrollment of Jim Alberty, et al., as Cherokee Freedmen, consolidating the applications of:-

Jim Alberty, et al., Cherokee Freedmen D-287
James Alberty, Jr. Cherokee Freedmen D-328
Alexander Alberty, Cherokee Freedmen D-744
Joanna Cook, Cherokee Freedman D-745

---: D E C I S I O N :---

On March 4, 1904, the Commission transmitted to the Department, the record in the consolidated case of Jim Alberty, et al., for enrollment as Cherokee Freedmen, together with its decision of March 5, 1904, wherein Jim Alberty, Cora Alberty, Daisy Alberty, James Alberty, Jr., Alexander Alberty and Joanna Cook were denied enrollment as Cherokee Freedmen. On August 18, 1904, (I.T.D. 8030-1904), the Department instructed the Commission to advise the attorneys for the Cherokee Nation that they would be allowed thirty days within which to file any arguments they deemed proper in the matter of the above applications; a copy of said arguments to be served upon the attorneys for the applicants, and that the applicants be allowed ten days from service of said copy within which to reply. On November 26, 1904, (I.T.D. 9527-1904), the Department granted the attorneys for the Cherokee Nation ten days additional time within which to file arguments as above mentioned.

Thereafter, the Department in its letter of January 26, 1905, (I.T.D. 8030-1904, 9527-1904, 9571-1904), remanded said case for further evidence and readjudication. In accordance therewith, the Commission, on February 21, 1905, notified the applicants herein and their attorneys of record, together with the attorneys for the Cherokee Nation, that they would be permitted to appear before the Commission, at its offices in Muskogee, Indian Territory, on March 9, 1905, and introduce such testimony as they might desire touching the rights of said applicants to enrollment as Cherokee Freedmen. Additional proceedings were had in the matter of said applications, at Muskogee, Indian Territory, on March 9, 1905.

The evidence in this case shows that the principal applicant, Jim Alberty, was not the slave of a Cherokee citizen or a free colored person residing in the Cherokee country, at the commencement of the war of the rebellion, as specified in the decree of the Court of Claims, rendered February 8, 1890, in the case of Moses Whitmire, Trustee, etc. vs. the Cherokee Nation, et al.

It further appears that all the other applicants herein are descendants of said Jim Alberty and were born since 1866; that James Alberty, Jr. is the son of Jim Alberty, by his wife, Millie Alberty, deceased; that Alexander Alberty and Joanna Cook are adult children of Jim Alberty, by his wife, Charity Alberty, now deceased; and that Cora and Daisy Alberty are the minor children of Anderson Alberty, the deceased son of Jim Alberty.

The evidence further shows that said Millie Alberty, deceased, was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during said rebellion she was taken out of the Cherokee Nation and did not return thereto until the spring of 1867. The said Anderson Alberty, deceased, was born before the commencement of the rebellion, but it does not appear that he was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of said rebellion; nor does it appear that the said Charity Alberty, deceased, or any of her ancestors were slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the commencement of the rebellion.

None of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll.

It is therefore the opinion of this Commission that the applications made for the enrollment of Jim Alberty, Cora Alberty, Daisy Alberty, James Alberty, Jr., Alexander Alberty, and Joanna Cook, as Cherokee Freedmen, should be denied, under the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Dixby.

Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

MAY 18 1905

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jim Alberty, et al.,
for enrollment as Cherokee Freedmen, consolidating the applications
of

Jim Alberty, et al.,.....	Cherokee Freedmen D 287
James Alberty, Jr.,.....	" " D 328
Alexander Alberty,.....	" " D 744
Joanna Cook,.....	" " D 745

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Jim Alberty for himself and his grandchildren, Cora and Daisy Alberty; the application also included Melvina Alberty who claims as a Cherokee Freedman by intermarriage, but as the status of such claimants by intermarriage is not fixed at this time she is not embraced in this decision; by James Alberty, Jr., for himself; by Alexander Alberty for himself; the application also included his wife, Lissie Alberty, but she is differently classified and not embraced in this decision; and by Joanna Cook for herself.

The principal applicant, Jim Alberty, claims to have been a slave of John Alberty, a Cherokee citizen, at the commencement of the rebellion; but the evidence shows that the latter sold his slave, Jim Alberty, some years before the war to a citizen of the State of Arkansas and it does not appear that said Jim Alberty belonged to a Cherokee citizen at the commencement of the rebellion.

The evidence further shows that all the other applicants herein are descendants of said Jim Alberty and were born since 1866; that James Alberty, Jr., is the son of Jim Alberty by his wife, Millie Alberty, now deceased; that Alexander Alberty and Joanna Cook are adult children of Jim Alberty by his wife, Charity Alberty, now deceased; and that Cora and Daisy Alberty are the minor children of Anderson Alberty, the deceased son of Jim Alberty.

The evidence further shows that said Millie Alberty, deceased, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion she was taken out of the Cherokee Nation and did not return thereto until the spring of 1867.

The said Anderson Alberty, deceased, was born before the commencement of the rebellion, but it does not appear that he was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of said rebellion; nor

does it appear that the said Charity Alberty, deceased, or any of her ancestors were slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the commencement of the rebellion.

The names of none of the applicants herein are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Jim Alberty, Gora Alberty, Daisy Alberty, James Alberty, Jr., Alexander Alberty and Joanna Cook as Cherokee Freedmen should be denied under the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tamm Lacy

Chairman.

(SIGNED)

T. B. Needles

Commissioner.

(SIGNED)

C. B. Breckinridge

Commissioner.

(SIGNED)

W. D. Stanley

Commissioner.

Muskogee, Indian Territory,

this

MAR - 5 1901

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alexander Alberty, et al., as Cherokee Freedmen, consolidating the applications for the enrollment of:

Alexander Alberty.....Cherokee Freedman D 707 (D 327)
Joanna Cook.....Cherokee Freedman R 708 (D 328)

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Alexander Alberty for himself and wife, Lizzie Alberty, the application for the enrollment of the said Lizzie Alberty has heretofore been disposed of and her right to enrollment will not be considered in this decision, and by Joanna Cook for herself. The records further show that on March 5, 1904, the Commission to the Five Civilized Tribes consolidated the applications for the enrollment of Jim Alberty, et al., Cherokee freedmen D 287, now R 567, James Alberty, Jr., Cherokee freedman D 328, now R 578, Alexander Alberty, Cherokee freedman D 744, now R 707, and Joanna Cook, Cherokee freedman D 745, now R 708, and rendered its decision herein, denying all the applicants the right to enrollment as Cherokee freedmen, and that said decision was duly forwarded the Department for review and decision. Thereafter on January 26, 1905 (I.T.D.6050-04), 9687-04, 9871-04), the Department "owing to the unsatisfactory condition of the record" returned said case to this office with instructions to secure, if possible, "positive and satisfactory evidence upon which the Department would be justified in rendering a decision". Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, March 9, 1905. The records further show that on May 18, 1905, the Commission to the Five Civilized Tribes again rendered its decision herein, denying all of said applicants the right to enrollment as Cherokee freedmen, which decision was on August 5, 1905 (I.T.D.7676-05) duly approved by the Department. Thereafter on September 8, 1906 (I.T.D.15384-06), a motion to reopen said case insofar as it denied the application for the enrollment of Alexander Alberty and Joanna Cook as Cherokee freedmen, for the purpose of giving said applicants an opportunity to establish their right to enrollment as Cherokee freedmen, as descendants of their mother, and Charity Alberty, having been filed

with the Department, the Department rescinded its decision of August 5, 1905, insofar as it affected the applicants, Alexander Alberty and Joanna Cook, and returned their case to this office for further hearing and readjudication. Further proceedings in the matter of said applications were had before the Commissioner to the Five Civilized Tribes at Muskogee and Vinita, Indian Territory, on November 8 and 9, 1906. A copy of the testimony taken at Muskogee, Indian Territory, on November 16, 1905, in the matter of the application for the enrollment of Andy Rider as a Cherokee freedman, is filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants, Alexander Alberty and Joanna Cook, were born since 1866, and are descendants of Jim and Charity Alberty, and that it has been found by the Department in its decision rendered August 5, 1905, (I.T.D. 7676-05), that said applicants possess no right to enrollment as Cherokee freedmen as descendants of the said Jim Alberty. The evidence further shows that the said Charity Alberty was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the progress of said rebellion she left the Cherokee Nation and after ample opportunity having been afforded said applicants to establish by satisfactory evidence that their mother, the said Charity Alberty, was an actual personal bona fide resident of the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation as provided by Section three of the Act of Congress approved April 26, 1906, (34 Stat. 137), they have failed to do so, hence the right of said applicants to enrollment as descendants of the said Charity Alberty comes within the rulings of the Department in the cases of Eliza Bryant, et al. (I.T.D. 544-04), Ed Williams (I.T.D. 4230-04), William Rector (I.T.D. 1468-04), Minnie Duncan, et al. (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), Moses Ross (I.T.D. 6056-04), Jane Looney, et al. (I.T.D. 6410, 12688-04), Florence Bratcher (I.T.D. 12692-04) and Frankie Grimmett (I.T.D. 17902-1905). Neither of said applicants can be identified on the Cherokee authenticated tribal roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Alexander Alberty and Joanna Cook are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

SIGNED. *Iame Bixby.*
Commissioner.

Dated at Muskogee, Indian Territory,
this JAN 8 1907

For complete record in case
as it was at first consolidated
See C, & R 567, case of
Jimmie Alberty et al.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 1901.

Given under my hand this.....
day..... A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of....., 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the..... day of..... A. D. 1901

Subscribed and sworn to before me
this..... day of..... A. D. 1901.

NOTICE

IN THE MATTER OF The application of *Alexander Alberty*
for enrollment as a Cherokee Freedman:

Case No. F. D. *744*

To *Alexander Alberty Choteau*

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *Fort Gibson, I. T.* Indian Territory, on the following dates, to-wit: *Sept 14th* *Sept 15th* *Sept 16th* A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this *12* day of *Sept*, 1901.

R. Bell
.....
W. W. Hastings
.....
J. S. Davenport
.....
Attorneys for the Cherokee Nation.

D

FD 744

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES:
FILED
SEP 16 1901

[Signature]

ACTING CHAIRMAN

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

ss

In the matter of the application of Alexander
Alberty for enrollment as a Cherokee Freedman.

No. F. D. 744

Henry Pack **J. C. STARR**

, of lawful age, being duly sworn on
oath states that on the 12 day of Sept, A. D., 1901, he registered
to Alexander Alberty whose postoffice is Chautau
Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Chautau Indian Territory;
and that on the 16 day of Sept, 1901, he received the return
card which is hereto attached, signed by the said Alexander Alberty, showing
that he had received said notice.

Subscribed and sworn to before me on this the 16 day of Sept, A. D. 1901.

Seal

Henry Pack

J. C. Starr
Notary Public.

COMMISSION EXPIRES
MAY 26th, 1902.

I, do solemnly swear that I am years
of age, and that on the day of 190..., in the
Nation, Indian Territory, I served the within Subpoena on the within named
by then and there delivering a true copy of the same to said

Subscribed and sworn to before me this day of 190...

No.

SUBPOENA.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the

.....
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.....
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.....
.....

I, do solemnly swear that I am years
of age, and that on the day of 190..., in the
Nation, Indian Territory, I served the within Subpoena on the within named
.....
by then and there delivering a true copy of the same to said

Subscribed and sworn to before me this day of 190.....

No.

SUBPOENA.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To **Jack Landrum****Hayden, Indian Territory**

*You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at **Muskogee**, in the **Creek** Nation, Indian Territory, on the **8th** day of **November**, 190**6**, to testify before said Commissioner in the matter of the **Cherokee Freedmen cases of Joanna Cook and Alec Alberty.***

*Dated at **Muskogee, I.T.** this **1st** day of **November**, 190**6***

Commissioner.

I, do solemnly swear that I am years
of age, and that on the day of
190..., in the
Nation, Indian Territory, I served the within Subpoena on the within named
by then and there delivering a true copy of the same to said

Subscribed and sworn to before me this day of 190...

No.

SUBPOENA.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the

I, do solemnly swear that I am years
of age, and that on the day of 190..., in the
Nation, Indian Territory, I served the within Subpœna on the within named
by then and there delivering a true copy of the same to said

Subscribed and sworn to before me this day of 190...

No.

SUBPOENA.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To **Thomas Moore,****Ketchum, Indian Territory**

*You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at **Muskogee,** in the **Creek** Nation, Indian Territory, on the **8th** day of **November** 190**8**, to testify before said Commissioner in the matter of the **Cherokee Freedmen cases of Joanna Cook and Alec Alberty.***

*Dated at **Muskogee, I.T.** this **1st** day of **November** 190**8***

Commissioner.

I, do solemnly swear that I am years
of age, and that on the day of 190..., in the
Nation, Indian Territory, I served the within Subpoena on the within named
by then and there delivering a true copy of the same to said

Subscribed and sworn to before me this day of 190.....

No.

SUBPOENA.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the

I, do solemnly swear that I am years
of age, and that on the day of 190..., in the
Nation, Indian Territory, I served the within Subpœna on the within named
by then and there delivering a true copy of the same to said

Subscribed and sworn to before me this day of 190.....

No.

SUBPOENA.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To **Nelson Moore**,**Ketchum, Indian Territory.**

*You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at **Muskogee**, in the **Creek** Nation, Indian Territory, on the **8th** day of **November** 190**6**, to testify before said Commissioner in the matter of the **Cherokee Freedmen cases of Joanna Cook and Alec Alberty.***

*Dated at **Muskogee, I.T.** this **1st** day of **November** 190**6***

Commissioner.

I, do solemnly swear that I am years
of age, and that on the day of 190..., in the
Nation, Indian Territory, I served the within Subpoena on the within named
.....
by then and there delivering a true copy of the same to said

Subscribed and sworn to before me this day of 190.....

No.

SUBPOENA.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the

I, do solemnly swear that I am years
of age, and that on the day of 190..., in the
Nation, Indian Territory, I served the within Subpœna on the within named
by then and there delivering a true copy of the same to said

Subscribed and sworn to before me this day of 190.....

No.

SUBPOENA.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To **Mellie Landrum****Vinita, Indian Territory**

*You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at **Muskogee,** in the **Creek** Nation, Indian Territory, on the **8th** day of **November** 190**6**, to testify before said Commissioner in the matter of the **Cherokee Freedmen cases of***

Joanna Cook and Alec Alberty

*Dated at **Muskogee, I.T.** this **1st** day of **November** 190**6***

Commissioner.

I, do solemnly swear that I am years
of age, and that on the day of 190..., in the
Nation, Indian Territory, I served the within Subpoena on the within named
by then and there delivering a true copy of the same to said

Subscribed and sworn to before me this

day of

190.....

No.

SUBPOENA.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the

I, do solemnly swear that I am years
of age, and that on the day of 190..., in the
Nation, Indian Territory, I served the within Subpœna on the within named
by then and there delivering a true copy of the same to said

Subscribed and sworn to before me this day of 190.....

No.

SUBPOENA.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To **Hannah Thomas,**
Keefton, Indian Territory.

*You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at **Muskogee,** in the **Creek** Nation, Indian Territory, on the **8th** day of **November** 190**6**, to testify before said Commissioner in the matter of the **Cherokee freedmen cases of Joanna Cook and Alec Alberty***

*Dated at **Muskogee, I.T.** this **1st** day of **November** 190**6***

Commissioner.

PETITION

United States
of America
Northern District
Cherokee Nation
Chouteau Ind Ter.

Sept 22

To the Honorable Commission of Indian Affairs Washington D.C.
Greeting:-

I appeal to your honor for and in behalf of Cherokee Freedmen
D.744 and D.745 Alexander Alberty and Joanna Cook Children of James Alberty
and Charity Alberty nee Landrum (Decd.) for the following reasons:

1 That they are Cherokee Freedmen and entitled to enrollment as
such through their mother Charity Alberty nee Landrum who died in 1879.

2 Their rights were never examined into upon the mothers side,
as they had no one to represent them before the Commission, and
I have only recently (about 100 days) been employed to represent them.

3 Their mother was a slave of Aaron and Easter Landrum, Cherokee
by blood and lived in the Cherokee Nation then the war commenced, went south
into the Choctaw Nation and remained there during the war and returned to
the Cherokee Nation in 1865 or 66

4 That Charity Alberty nee Landrum returned to the Cherokee
Nation in the fall of 1866 with her brother John Landrum, Mary Landrum nee
Whitire, Betsy Whitire et al. all in 1860 roll citizens and reliable
people as testified to before me on Big Creek I. T. in 1879.

5 All their Uncles and Aunts on their mothers side are on the
1860 roll and all subsequent rolls of Cherokee Nation Freedmen.

6 Alexander Alberty and Joanna Cook (ne Alberty) were born on
Big Creek in the Cherokee Nation in 1875 & 1877 and have never been out of
said Nation during their entire lives.

7 That they have valuable and lasting improvements, farms etc,
made in said Nation now Saline District the entire labor of their lives.

8 That they were young and illiterate and knew nothing about
having their names placed upon rolls and they left such matters to older
people and the National authorities whose duty it was.

9 We are entitled to enrollment under the treaty of 1866.

10 We are Cherokee freedmen and entitled to all the rights,
privileges and honors to be derived therefrom under the decree of the Court of
Claims rendered on the 30 day of February 1896 at Washington D. C..

11 We ask that these two cases D.744 and D. 745 be reopened
and a day set that we may be heard and the facts as above set forth be
reviewed and our rights established.

12 We have the witnesses to clearly establish our rights be-
yond any question, and all we desire is the opportunity to do so.

13 We were ignorant of these facts until recently,
we were paid our K.C. or Strip money viz.

Alex Alberty no. 1230-35-60-age 21

Joanna Alberty no. 1232-35-62 age Cooweescoowee District.

14 To enumerate our mothers brothers and sisters, Grand Father
George Landrum no. 875-881-65 age 68. Grand Stepmother Caroline Landrum
last roll no. 876-888-66 age 50. Grand Mother Peggy-having died Saline
Dist.

Our mothers brothers and sisters,

John Landrum on 1860 roll Coe. Dist. no. 142-143-141 age 48 years,
Mary Landrum nee Whitire follows et al age 41 yrs. on K.C. roll or 1894
pay roll Coe. Dist.

306-437 John Landrum	age 54 years,
677-869-68 Daniel Landrum	" 26 "
307-438 Mary	" 47 "
876-890-70 W. L. Landrum	age 22 years
861-893-67 Samuel	" 25 "
882-894-69 Sherman	" 23 "

Sophia-Sarah-Richard Hannah-Jim-Charity Minerva, all the above are full
brothers and sisters and 1860 roll citizens.

14th cont.

Half brothers and sisters-Will Lou Ann-Aggie-Katie-Chloro-Celia-Leonard Landrum all these except Lou, 1880 roll citizens.

15th Names of witnesses by whom the foregoing facts can be established-

James Rider-Joe Nees P.O. Chouteau, I. T.

Joe Cheekman ex. Judge Chouteau, I. T.

Arch Landrum-Allie Lynch and Hawley Bell P. O. Vinita, I. T.

Jim Landrum-Dennis Wright-Betsy Whitacre-John Landrum Mary Landrum, Hayden, I. T.

Sarah Lynch-Caroline Landrum-Irene Moore-Helson Moore, Ketchum I. T.

Chloro Bereman, Muskogee, I. T.

Dan and Ann Landrum Muskogee, I. T.

Louie and Will Landrum, Choctaw, I. T.

I also have been reliably informed that our names were on the Wallace roll and erroneously erased therefrom, also that Charity Alberty nee Landrum drew the bread money in 1875 at Vinita, I. T. as she was there then.

16th I will state as a resident of Chouteau I. T. that I have known these children Alex and Joanna for the last twelve or fifteen years and I know that they have lived in the vicinity of Chouteau, continuously since I first knew them.

17th A copy of each of the above is sent to the Commissioner of Indian Affairs Washington, D. C. W. W. Hastings Cherokee Atty. Tahlequah I. T. and Daves Commission Muskogee, I. T. all of which is respectfully submitted by

J. R. Bleeker

Their representative.

Affidavit

Northern Judicial
District of Indian, Terr.

Hayden, I. T.

Personally appeared before me, a Notary Public in and for the Northern District of Indian Territory, John Landrum to me personally well known who after being sworn makes the following statement-

My name is John Landrum, I am 60 years old, my Post Office is Hayden I. T. I have lived near here for the last thirty or thirty-five years I was a slave of Aaron and Ester Landrum Cherokees by blood and lived in the Cherokee Nation I. T. when the war broke out the federal soldiers carried me north and I came back to Big Creek in the Cherokee Nation in the fall of 1886. I had a sister Charity Landrum who belonged to the same Cherokees who went South at the beginning of the war into the Choctaw Nation, but returned to the Cherokee Nation in 1865 or 66 and my sister Charity came back with them and came on up into Kansas with Jess Rowe to where I was and came back to the Nation with us in the fall of 1886 and married James Alberty and by whom she had three children, Alexander, Joanna and a baby who died young.

Alexander was born in 1875 and Joanna in 1876 and baby in 1878 or about one year before my sister Charity died in 1879. These children were all born on Big Creek in the Cherokee Nation I. T. and while James Alberty and Charity Alberty nee Landrum were living together as man and wife. Charity Landrum or Alberty nor any of our folks, my brothers or sisters were disputed citizenship or counted doubtful- Charity drew the bread money in 1875 at Vinita, I. T. and would have been on the 1860 roll of Cherokee freedom had she been alive, as she was never out of the Cherokee Nation after her return to the Nation with me in 1886 but lived and died up here on Big Creek I. T. All my brothers and sisters are on the 1880 roll and all subsequent rolls of the Cherokee Nation I. T. viz.

Will-Dan-Sam- Sherman--Jim-Sophia-Sarah-Richard-Charity-Minerva-Hannah.

I know that Alexander and Joanna are as much entitled to be enrolled as my children.

John Landrum
mark

Subscribed and sworn to before me on this the 22nd day of September 1905.

My Commission expires

Apr. 20th 1909

J. P. Bludac
Notary Public

AFFIDAVIT:

Northern Judicial Dist.
of Indian Territory.
Hayden I. T.

Personally appeared before me, a Notary Public in and for the Northern District of the Indian Territory. Mary Landrum to me personally well known who after being sworn makes the following statement:

My name is Mary Landrum, I am about 54 years old, My Postoffice is Hayden, I. T. I have lived near here for the last thirty or thirty-five years, I am a Cherokee freedman on all the rolls of citizens, I came back to the Cherokee Nation in 1866 and I know that Charity Landrum afterwards Jim Alberty's wife came with us in 1866. I also know that she married James Alberty and had three children by him named Alexander, Joanna, and a baby born to them on Big Creek in the Cherokee Nation. The baby I think was born 1878 or about one year before she died in 1879. I know that she remained in the Cherokee Nation after returning in 1866 until she died in 1879 on Big Creek, she was always said to be a good citizen and was a slave of the Landrums.

Mary Landrum
mark

Subscribed and sworn to before me on this 22nd day of September 1905.

My commission expires.....

Apr. 20 1909

J. D. Bluehoe
Notary Public

OFFICE OF
Indian Affairs
78219 Rec. OCT 8 1905

J. P. Bidder
Cherokee
Sept. 22

*(Petition in behalf of
Cherokee Freedman
case of Miss Liberty
and Hannah Cook chil
dren in Soc. & Charity
Albion)*

L
7/107

M. J.

85625

78110

DEPARTMENT OF THE INTERIOR
RECEIVED
OCT 20 1905
Enc. No. *2* of No. *13858*
INDIAN TERRITORY DIVISION

RECEIVED
2 *13858*

Northern Judicial
Dist. of Ind. Terr.

affidavit
copy

afterwards acknowledged before
Mr. Madden on 21 Nov. 05. but not
now in papers returned to me
I suppose lost. J. P. S.

Hayden, Ind. Terr.
Sept. 22^d 1905

Personally appeared before me, a notary
public in and for the Northern District of
Indian Territory, Mary Landrum, true
personally well known, who after being
sworn, makes the following statement—
My name is Mary Landrum, I am
about 54 years old, my post office
is Hayden, I. T. I have lived near here
for the last 30 or 35 years—I am a Cherokee
freedman on all the rolls of citizens—I
came back to the Cherokee Nation in 1866
and I know that Charity Landrum after-
wards Jim Albert's wife came with us
in 1866. I also know that she married
James Albert and had three children
by him named Alexander, Joanna & Abner
born to them on Big Creek in the Cherokee
Nation. The baby I think was born in 1878
or about one year before she died in 1879—
I know that she remained in the Cherokee
Nation after return in 1866 until she died in
1879 on Big Creek, she was always said
to be a good citizen and was a slave of the
Landrums

Hayden, I. T.

Mary Landrum
mark

Subscribed & sworn to before me on this
Sept. 22^d 1905
my comm. exp. April 20th 1907 J. P. S. Notary Public

Affidavit

northern Judicial
District of Indian, Terr.

Hayden, J. . .

Personally appeared before me, a Notary Public in and for the North-
ern District of Indian Territory, John Landrum to me personally well kn-
own who after being sworn makes the following state ment-

My name is John Landrum, I am 64 years old, my Post Office is Hay-
den I. T. I have lived near here for the last thirty or ~~thirty~~ ^{thirty five} years
I was a slave of Aaron and Easter Landrum Cheroke s by blood and lived
in the Cherokee Nation I. T. when the war broke out the federal soldiers
carried us North and I came back to Big Creek in the Cherokee Nation in
the fall of 1866. I had a sister Charity Landrum who belonged to the same
Cherokee s who went South at the beginning of the war into the Choctaw
Nation, but returned to the Cherokee Nation in 1865 or 66 and my sister
Charity came back with them and came on up into Kansas with ~~her~~ ^{her} ~~husband~~ ^{husband} ~~James~~ ^{James} ~~Rowe~~ ^{Rowe} to
where I was and came back to the Nation with us in the fall of 1886 and
married James Alberty and by whom she had three children, Alexander,
Joanna and a baby who died young.

Alexander was born in 1875 and Joanna in 1876 and baby in 1878 or
about one year before my sister Charity died in 1879. These children were
all born on Big Creek in the Cherokee Nation I. T. and while James Alberty
and Charity Landrum were living together as man and wife.
Charity Landrum or Alberty nor any of our folks, my brothers or sisters
were disputed citizenship or counted doubtful- Charity drew the bread mon-
ey in 1875 at Vinita, I. T. and would have been on the 1880 roll of Cher-
okee freedom had she been alive, as she was never out of the Cherokee
Nation after her return to the Nation with me in 1866 but lived and died
up here on Big Creek I. T. All my brothers and sisters are on the 1880
roll and all subsequent rolls of the Cherokee Nation I. T. viz.

Will-Dan-Sam- Sherman- ~~James~~ Sophia-Sarah-Richard-Charity-Minerva-Hannah.

I know that Alexander and Joanna are as much entitled to be enrolled
as my children.

John Landrum
maker

Subscribed and sworn to before me on this the 22 day of September 1905.

My Commission expires

Apr. 20/1909

J. P. Blundell

Notary Public

Witnesses
John Mathews
James

Subscribed and sworn to Before Me on
this 21 day of Nov 1905

Wm. W. W. W.
Notary Public
P. O. Hayden I. T.

Missogee Ind, Terr,
January 9th 1906

Personally appeared before me L. D.
Daniels, who after being duly sworn
makes the following statement. I am
61 years of age and live at Leupah
I. T. I was running a ferry at Fork
Gibson I. T. across Grand river in the
year 1866 and I set across in my
boat Cassie or Peggy Landrum and
three or four of her children (all girls)
during that year 1866, and I am
satisfied that Ethel and Charity was
in the crowd. They were returning
from the South down on Red River
where they had been taken during the
war. Cassie or Peggys husband name
was George Landrum

L. D. Daniels

Subscribed and sworn to before me this 10th day of
January, 1906.

My commission expires Feb 10-1909.

W. H. Clark,
Notary Public,
Western district

PETITION

United States
of America
Northern District
Cherokee Nation
Chouteau Ind Ter.

Sept. 22^d 1906
January 18th 1906 (renewed)

To the Honorable Commission of Indian Affairs Washington D.C

Greeting:-

I appeal to your honor for and in behalf of Cherokee Freedman D.744 and D.745 Alexander Alberty and Joanna Cook Children of James Alberty and Charity Alberty nee Landrum (Deed.) for the following reasons:

1 That they are Cherokee Freedmen and entitled to enrollment as such through their mother Charity Alberty nee Landrum who died in 1879.

2d Their rights were never examined into upon the mothers side,

3d They had no one to represent them before the Commission, and I have only recently (last few days) been employed to represent them.

4th Their mother was a slave of Aaron and Easter Landrum, Cherokees by blood and lived in the Cherokee Nation when the war commenced, went south into the Choctaw Nation and remained there during the war and returned to the Cherokee Nation in 1865 or 66

5th That Charity Alberty nee Landrum returned to the Cherokee Nation in the Fall of 1866 with her brother John Landrum, Mary Landrum nee Whitmire, Betsey Whitmire et al. all in 1880 roll citizens and reliable people as testified to before me on Big Creek I. T. in 1899-1905

6th All their Uncles and Aunts on their mothers side are on the 1880 roll and all subsequent rolls of Cherokee Nation freedmen.

7th Alexander Alberty and Joanna Cook (ne Alberty) were born on Big Creek in the Cherokee Nation in 1875 & 1877 and have never been out of said Nation during their entire lives.

8th That they have valuable and lasting improvements, farms etc, made in said Nation now Saline District the entire labor of their lives.

9th That they were young and illiterate and knew nothing about having their names placed upon rolls and they left such matters to older heads and the National authorities whose duty it was.

10th We are entitled to enrollment under the treaty of 1866.

11th We are Cherokee freedmen and entitled to all the rights, lands and moneys to be derived therefrom under the decree of the Court of Claims rendered on the 3d day of February 1896 at Washington D. C..

12th We ask that these two cases D.744 and D. 745 be reopened and a day set that we may be heard and the facts as above set forth be produced and our rights established.

13th We have the witnesses to clearly establish our rights beyond any question, and all we desire is the opportunity to do so.

14th We were ignorant of these facts until recently, We were paid our K.C. or Strip money viz,

Alec Alberty No. 1230-35-50-age 21

Joanna Alberty No. 1232-35-62 age Cooweescoowee District.

15th To enumerate our mothers brothers and sisters, Grand Father George Landrum No. 875-881-65 age 68. Grand Stepmother Caroline Landrum 1880 roll no. 876-888-66 age 50. Grand Mother Peggy-having died Saline Dist.

Our mothers brothers and sisters,
John Landrum on 1880 roll Co. Dist. No. 142-143-141 age 48 years,
Mary Landrum nee Whitmire follows et al age 41 yrs. on K.C. roll or 1894 pay roll Co. Dist.

306-437 John Landrum	age 54 years,
877-889-68 Daniel Landrum	" 26 "
307-438 Mary "	" 47 "
878-890-70 W. L. Landrum	age 22 years
881-893-67 Samuel "	" 28 "
882-894-69 Sherman "	" 23 "

Sophia-Sarah-Richard Hannah-Charity Minerva, all the above are full brothers and sisters and 1880 roll citizens.

Choteau Ind, Terry.

January 12th 1906.

To The Honorable Dawes Commission
Muscogee I. T.

In reply to your letter of
Dec. 23rd 1905. I write you & herewith
enclose petition and affidavits as per
your request. I could have procured
many more, to establish my rights
through my mother Charity Alberty
nee Landrum, but owing to my poor
way of traveling and the bad condition
of the weather I have only a few
but I hope a sufficient number to
have my case resolved as I know
my mother lived in 1879 and from
what I have learned she was here in
the Cherokee Nation, I. T. with the rest
of her brothers & sisters, father & mother
in 1866. My aunt Susan Jordan
born 1850 still lives at Okmulgee and I
can procure her statement also as she
is a full sister of my mother & they
all came back from the South together
(as I am informed) and I know that my
mother lived & died here and raised me
and my brother Alec Alberty here in
the Cherokee Nation and that we have

1
have never been outside of the
Cherokee Nation to live during our
lives. and our homes and all that we
have is here in the Cherokee Nation
and I know that if our case is heard
and we will be fully able to establish
our rights to citizenship here. Hoping
that your honor will act speedily and
favorably

I am

Respectfully

James A. Lowe
deputy order attorney

Subscribed & Sworn to before me
on this January 12th 1906
Choteau, Ind. Twp.

Will A. Crockett
Notary Public

My Comm. Ex. Dec 9 - 06

Incl 80

INDEXED

COMMITTEE TO THE SPIES	
No.	
44955	
1905	SEP 28 1905

Bledsoe, I.P.,
Choteau, I.T.,
Cherokee nation,
Sep. 22, 1905.

relative to application
for enrollment of
Alexander Alberty and
Joanna Cook as Cherokee
Freedmen.

CHESTER, W. MENT,

18th cont.

Half brothers and sisters Will Lou Nan-Aggie-Katie-Chlora-Celia-Leonard Landrum all these except Lou, 1880 roll citizens.

16th Names of witnesses by whom the foregoing facts can be established-

James Rider-Joe Ross P.O. Chouteau, I. T. *Flora Foreman, Lem McVair*

Jess Chochran ex. judge Chelsea, I. T. *Jim Thompson, Nellie Landrum*

Arch Landrum-Allen Lynch and Harley Bell P. O. Vinita, I. T.

Jim Landrum-Dennis Wright-Betsey Whitmire-John Landrum Mary Landrum, Hayden, I. T.

Smon Lynch-Caroline Landrum *John Moore*-Nelson Moore, Ketchum I.T.

Chlora Foreman, Muskogee, I. T.

Dan and Nan Landrum Muskogee, I. T.

Loue and Will Landrum, Checotah, I. T.

I ~~was~~ have been reliably informed that our names were on the Wallace roll and erroneously erased therefrom, also that Charity Alberty nee Landrum drew the bread money in 1875 at Vinita, I. T. as she was there then.

18th I will state as a resident of Chouteau I. T. that I have known these children Alex and Joanna for the last twelve or fifteen years and I know that they have lived in the vicinity of Chouteau, continuously since I first knew them.

19th A copy of each of the above is sent to the Commissioner of Indian affairs Washington, D. C. W. W. Hastings Cherokee Atty. Tahlequah I. T. and Dawes Commission Muskogee, I. T. all of which is respectfully submitted by

J. R. Bledsoe
Their representative.

Wayden, I. I.

Nov. 20th 1905

Personally appeared before me a Notary
public Lewis Wright, age, 65 years and
Betsey Wright (wife) age 61, who after being
duly sworn states, Near Cherokee Prudum
on all the rolls as such and residents of
this vicinity and we have lived here 39 years
and are well acquainted with Charity Law-
son, decd, who died in 1879 near here
in the Cherokee Station. She came to our
house here in the year 1868 and remained
with us until she married James Al-
berty. She lived continuously after
her return here until she died in
1879. She was the head money and
was always considered a good citizen
of the station, having been a slave of
Cherokees before the war

attest

Major Landrum
M. J. Hughes

Lewis Wright
Betsey Wright

A. B.

Please file in Joanna Cook & Alex Alberty
C. L. D. cases, with papers sent a few days
ago & oblige.

J. P. Bludoe agt.

File with Sears Co.

Winnipeg, N.T. Jan. 17/06

To Whom It may Concern;

My name is Thomas M. Moore, I am 53 years old, I live 3 miles East of Ketchikan N.T. I am a Cherokee citizen straight, I know George Landrum and his wife Peggy who is the mother of Charity and Landrum and I know that they came back to this country, the Cherokee Nation N.T. in the year 1866 and I know that Charity is the mother of Joanna Cookme Alberty and Alice Alberty and I know that they are all good citizens and should be enrolled. Charity and I have lived with me when I was in the South from the South with their young mistress Easter, Susie & Nellie Landrum in 1866 and I know that Charity lived here until she died in 1879 and was always counted a good citizen.

Thomas M. Moore

Subscribed and sworn to before me at Ketchikan N.T. this the 17th day of January, 1906.

My Commission Expires
May 17th 1908

O. E. Drake.
Notary Public.

22639

1906

78410

3

15384

Vinita I. T. 1/17/06.
To Whom It may Concern:

My name is Flora Foreman, I am 50
years of age, I live at Vinita I. T. I am
a Cherokee Indian on all the rolls of
Cherokee Indian - I am a half sister
of Charity Albertine Landrum. Her
George Landrum being the father of us
both - Peggy Landrum being Charity Land-
rum's mother, I know that Charity
Landrum come back to the Cherokee
Nation I. T. in 1866 with Easter, Susan
and Nellie Landrum her young sisters
in 1866 and I know that Charity died
here in the nation before the 1880
roll was made & that she lived here
until she died and I know that
Joanna Cook nee Alberty and Alice-
Alberty are her children and good
citizens and entitled to enrollment as
Cherokee Indian as they nor their
mother was never disputed -

witness to mark

Joanna Cook

George Cook

Flora Foreman
mark

Subscribed and sworn to before me at Vinita I. T.
this the 17th day of January, 1906.

My Commission Expires
May 17th 1908.

O. E. Drake
Notary Public.

J. L. 744

RECEIVED
MAR 20 1902

W. L. 744

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Alexander Alberty,

Chouteau, I. T.

Cherokee-F-D-741.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

B

50 744

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 13 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *Sept 18, 1901*Post Office *Cherokee D.T.*District *Saline*1. Name *Alexander Alberty* Age *27*Owner's name *K.B.* Citizenship *Gov*Year *1860* Page *44* No. *3571* District *Gov*

Parents:

Father *Jas. Alberty - living* Citizenship *Gov*Mother *Elyzabeth - dead* Citizenship *Gov*2. Name of wife *Lizzie Alberty* Age *19*Owner's name *K.B.* Citizenship *Gov*Year *1860* Page *44* No. *3571* District *Gov*

Parents:

Father *Martha Alberty - dead* Citizenship *Gov*Mother *Martha Alberty - dead* Citizenship *Gov*

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by *M. D. Green*Stenographer *M. D. Green**On K.C. roll as Alex Alberty.**X Ref. D. 207*

COPY.

Cherokee Freedmen
D-744

Muskogee, Indian Territory, March 24, 1904.

Alexander Alberty,
Chouteau, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision, dated March 5, 1904, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

J. F. Vardley

Commissioner in Charge.

Register

Enc. 86

Copy

Cherokee Freedmen
D-287 et al.

Muskogee, Indian Territory, March 24, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 6, 1904, in the consolidated case of Jim Alberty et al., rejecting the applications for the enrollment of Jim, Cora, Daisy, James Jr., and Alexander Alberty and Joanna Cook as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-70

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-287 et al.

Muskogee, Indian Territory, March 24, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Jim Alberty et al., including the Commission's decision, dated March 5, 1904, rejecting the applications for the enrollment of Jim, Cora, Daisy, James Jr., and Alexander Alberty and Joanna Cook as Cherokee freedmen.

Respectfully,

I. E. Needles

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-71

Copy.

Refer in reply
to the following:
Land.
20534-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington,

July 26, 1904.

The Honorable,

The Secretary of the Interior:

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 24, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen of Jim Alberty for himself and his grandchildren, Cera and Daisy Alberty; of James Alberty for himself; of Alexander Alberty for himself and by Jeanna Cook for herself.

March 5, 1904, the Commission decided that the applicants were not entitled to enrollment as Cherokee Freedmen.

The record shows that the principal applicant was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he was taken out of the Cherokee Nation during the war and that he returned and made the Cherokee Nation his home prior to February 11, 1867. The other applicants derive their sole title through the principal applicant, Jim Alberty, and with him are identified on the Karna-Clifton Roll.

There is found testimony on the part of the Cherokee Nation of a heresay character, that the principal applicant was

sold out of the Nation prior to the war - in 1868 and by another witness in 1887 or 8.

In view of the record it is recommended that the action of the Commission adverse to the applicants be reversed and the applicants enrolled as Cherokee citizens.

Very respectfully,

A. G. Tenner

Acting Commissioner

M.M.M.
F.

3 encl.

COPY

Copy of Departmental Letter, filed in evidence in the case of Jim Alberty, Cherokee Freedman-P-287.

D.C. 20891-1904.

I.T.D. 1472-1904.

4998- "

L.R.S.

Y.P.
PHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON. August 17, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 18, 1904, the Acting Commissioner of Indian Affairs submitted the Cherokee freedman case of Walker Johnson, and recommended that your decision adverse to the applicant be not concurred in, and that you be directed to enroll the applicant, as he finds that Johnson was the slave of a citizen of the Cherokee Nation at the commencement of the rebellion and returned to the Nation from Kansas prior to February 11, 1867.

Argument by the attorney for the Nation was received with your letter of July 12, 1904.

You found in your decision of July 10, 1903, that the applicant was not the slave of a Cherokee citizen at the commencement of the rebellion, and that he did not return from Kansas to the Nation prior to January 19, 1867.

The testimony for the applicant, upon which the burden of proof rests, is somewhat vague and contradictory, both as to the question of slavery and residence prior to February 11, 1867; and is contradicted in material particulars by testimony introduced by the Nation. The Department does not feel justified in rendering a

decision in the case without further opportunity for the applicant and the Nation to introduce more testimony, especially as the Nation asserts, apparently with good reason, that the principal witness for the applicant, Jim Alberty, is "one of the most disreputable freedmen in the Cherokee Nation; so disreputable that the Commission is thoroughly acquainted with him and can not afford to give any heed to his testimony," etc.

It also appears that Johnson is the husband of a Cherokee citizen, and the question of his right as an intermarried citizen of the Cherokee Nation has not been passed upon by you.

The case is hereby remanded, with directions to allow further testimony to be submitted, and to readjudicate the case.

The testimony and the papers attached thereto, also the argument of the attorney for the Nation, are inclosed.

A copy of Indian Office letter of February 18, 1904, was sent you April 7, 1904.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

2 inclosures.

D.C. 30509-1904.
I.T.D. 60509-1904.
L.R.S.

Y.P.
YHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

August 13, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the Acting Commissioner of Indian Affairs's letter of July 26, 1904, submitting the Cherokee freedman case of Jim Alberty, et al, in which he recommends that your decision adverse to the applicants be not concurred in.

It is requested that you furnish the attorney for the Cherokee Nation with a copy of the Acting Commissioner's letter, and advise him that he will be allowed thirty days to file, direct with the Department, any argument he sees proper, such argument to be served upon the attorney for the applicants. You will advise the applicants that they will be allowed ten days from service of a copy of such argument within which to reply to same, service of such reply to be made upon the attorney for the Cherokee Nation.

Respectfully,

(Signed) Theo. Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen

D-744.

Muskogee, Indian Territory, August 20, 1904.

Alexander Alberty,

Choteau, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, the Commission's decision in which case rejecting your application was forwarded to the Secretary of the Interior for review on March 24, 1904, there is herewith enclosed a copy of departmental letter of August 13, 1904.

In accordance with instructions contained in said letter the attorneys for the Cherokee Nation have this day been advised that they will be allowed thirty days from date hereof within which to file, direct with the Department, such argument as they may desire to submit in this case, a copy of which they will be required to furnish you. You are advised that you will be allowed ten days additional within which to file, direct with the Department, a reply to said argument.

Respectfully,

Encl. B-41.

Chairman,

Cherokee Freedmen

D-237, et al.

Muskogee, Indian Territory, August 30, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

In the matter of the application of Jim Alberty, et al., as Cherokee freedmen, embracing Cherokee freedmen cases Jim Alberty, et al., D-237; James Alberty Jr. D-226; Joanna Cook, D-745, and Alexander Alberty, D-744, the Commission's decision in which cases rejecting the applicants was forwarded to the Secretary of the Interior for review on March 24, 1904, there is herewith enclosed a copy of departmental letter of August 18, 1904.

In accordance with instructions contained in said letter you are advised that you will be allowed thirty days from date hereof within which to file, direct with the Department, such argument as you may desire to submit in this case, copies of which you will be required to furnish the principal applicant in each case and their attorney, Edgar Smith, Vinita, Indian Territory.

Respectfully,

Encl. 2-45.

Chairman.

(Copy)

Cherokee Freedmen
D-744.

Muskogee, Indian Territory, February 21, 1905.

Alexander Alberty,

Choteau, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself as a Cherokee Freedman, you are hereby advised that the Commission is in receipt of Departmental letter of January 26, 1905, remanding this case for rehearing and ~~re~~ readjudication.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, March 9, 1905, and introduce such testimony as you may desire relative to your rights to enrollment as a Cherokee freedman.

You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in the matter of said application.

Respectfully,

(Signed) Tams Bixby,

Chairman.

Register.

COPY:

Cherokee Freedmen
Doan et al.

Muskogee, Indian Territory, February 21, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the applications for the enrollment of Jim Alberty et al., as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of January 26, 1905, remanding this case for a rehearing and readjudication.

The applicants have, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, March 9, 1905, and introduce such testimony as they may desire relative to their rights to enrollment as Cherokee freedmen. You are further advised that you will be permitted to appear and introduce such testimony as you may desire in the matter of said applications.

For your information there is herewith inclosed a copy of Departmental letter referred to.

Respectfully,

Encl: L-36.

(SIGNED)

Jame Bixby
Chairman

COPY.

Cherokee Freedmen

D-744.

Muskogee, Indian Territory, May 18, 1905.

Alexander Alberty,

Choteau, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 18, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

Tame Bixby.
Chairman.

Incl. S-8
Register

COPY.

Cherokee Freedmen

D-287, et al.

Muskogee, Indian Territory, May 18, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 18, 1905, rejecting the applications for the enrollment of Jim Alberty, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 8-11

SIGNED. *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D-257, et al.

Muskogee, Indian Territory, May 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Jim Alberty, et al., including the Commission's decision dated May 16, 1905, rejecting the applications for the enrollment of Jim, Cora, Daisy, James Jr., and Alexander Alberty and Jeanna Cook, as Cherokee freedmen.

Respectfully,

(SIGNED).

Tame Dixey
Chairman.

Incl. 8-10

Through the

Commissioner of Indian Affairs.

(C O P Y)

Refer in reply
to the following:
Land
38933-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

June 21, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes dated May 18, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Jim, Cora, Daisy, James Jr. and Alexander Alberty and Joanna Cook.

May 18, 1905, the Commission decided adversely to the applicants.

The record shows that on March 5, 1904, the Commission rendered a decision denying these applicants; that on January 26, 1905, the Department remanded the case for further evidence and readjudication.

The record further shows that the principal applicant, Jim Alberty was not the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion; that all the other applicants are descendants of Jim Alberty and were born since 1865; that James

Alberty Jr., is the son of Jim Alberty by his wife, Millie Alberty, deceased; that Alexander Alberty and Joanna Cook are adult children of Jim Alberty by his wife, Charity Alberty, now deceased; and that Cera and Daisy Alberty are the minor children of Anderson Alberty, the deceased son of Jim Alberty.

It is further shown that Millie Alberty, deceased, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee nation during the war and did not return thereto until the spring of 1867.

Anderson Alberty, deceased, was born before the beginning of the war, but it does not appear that he was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the beginning of the war; nor does it appear that Charity Alberty or any of her ancestors were slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the beginning of the war.

None of the applicants is identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision of May 18, 1905, adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee
Acting Commissioner

M. M. M.
W.

COPY.

Cherokee Freedman
D-744.

Muskogee, Indian Territory, June 27, 1905.

Alexander Alberty,

Mark, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of June 24, 1905, asking to be advised as to the status of the application for your enrollment as a Cherokee Freedman.

In reply you are advised that the Commission's decision rejecting the application for your enrollment as a Cherokee Freedman was forwarded to the Secretary of the Interior on May 18, 1905, for his review and decision. You are further advised that the Commission has not been informed of any Departmental action in this case.

Respectfully,

THEDY. *Tams Dixby.*
Chairman.

D.C. 36297-1905
I. T. D. 7676-1905

(C O P Y)

Y.P.
F.R.

L R 3

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

August 5, 1905

Commissioner to the Five Civilized Tribes,
Waskagee, Indian Territory.

Sir:

May 18, 1905, the Commission to the Five Civilized Tribes transmitted the record in the consolidated Cherokee freedman case involving the applications of Jim, Gera, Daisy, James Jr., and Alexander Alberty, and Jeanne Cook, including its decision of the same date, rejecting the applicants.

Reporting June 21, 1905, the Indian Office recommends that said decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the Commission's decision is hereby affirmed.

Respectfully ,

(Signed)

THOS HIAN
Acting Secretary.

1 inclosure

COPY.

Cherokee freedmen D-744.

Muskogee, Indian Territory, August 18, 1905.

Alexander Alberty,

Choteau, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 18, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 5, 1905.

Respectfully,

SIGNED

Wm. C. Beall
Acting Commissioner.

LS

Cherokee Freedmen

744
D-227, et al.

COPY.

Muskogee, Indian Territory, August 18, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 18, 1905, respecting the applications for the enrollment of Jim Alberty, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 8, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

(SIGNED)

Wm. B. Peace
Acting Commissioner.

LS

Incl. 2-56

Cherokee Freedmen

744
D-227, et al.

COPY.

Muskogee, Indian Territory, August 18, 1905.

Blue & Bulger,

Attorneys for Jim Alberty, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 18, 1905, rejecting the applications for the enrollment of Jim Alberty, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 5, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

(SIGNED)

Wm. B. Beall
Acting Commissioner.

LS

Incl. C-52

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y. P.
LLB

D. C. 49210-1905.
I. T. D. 13858-1905.
LRS

October 24, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

October 12, 1905, the Indian Office submitted a petition for rehearing in the Cherokee freedmen case of Alexander Albery et al. (D. 744 and 745), made by I. P. Hledsee, "Their representative."

The motion does not point out specifically any error in the decision of the Commission to the Five Civilized Tribes, adverse to the claimants, which was affirmed by the Department August 5, 1905. It is not shown that a copy of the motion and the affidavits attached have been served upon the attorney for the Cherokee Nation. Said Hledsee, before whom the affidavits were made, is a notary public.

Notaries public in the Indian Territory are not allowed to practice before this Department. The motion is denied and you will so advise the parties in interest.

Respectfully,

(Signed) E. A. Hitchcock.
Secretary.

Cherokee Freedmen

COPY!

D-744.

Muskogee, Indian Territory, November 3, 1905.

Alexander Liberty,

Chateau, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of October 24, 1905, in which the motion, filed in your behalf to have reopened the Cherokee freedmen enrollment case of yourself, et al., is denied by the Department.

Respectfully,

SIGNED:

Tamie Bixby
Commissioner.

LS

Cherokee Freedmen

D-744, et al.

COPY:

Muskogee, Indian Territory, November 3, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of October 24, 1905, in which the motion, filed in behalf of Alexander Alberty, et al., to have reopened their Cherokee freedmen enrollment cases, is denied.

For your information, there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

(SIGNED)

Tame Bixby

Commissioner.

Incl. S-78

REPLY IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-744, et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

 Muskogee, Indian Territory, November 3, 1905.

I. P. Bledsoe,

Agent for Alexander Alberty, et al.,
Choteau, Indian Territory.

Dear Sir:

There is returned herewith motion filed by you with this office to have reopened the Cherokee freedmen enrollment cases of Alexander Alberty, et al., together with affidavits in support of the same attached thereto. It is stated in the motion that a copy of the motion and affidavits is sent to the Commissioner of Indian Affairs, to W. W. Hastings, attorney for the Cherokee Nation, and to this office.

You are advised that this office is in receipt of Departmental letter of October 24, 1905, in which your motion filed with the Department to have these cases reopened, is denied. There is inclosed herewith a copy of Departmental letter referred to, and your attention is called to the following language used therein: "Notaries public in the Indian Territory are not allowed to practice before this Department."

Respectfully,

Incl. 3-33

 Commissioner.

Cherokee Freedmen

COPY.

D-744, et al.

Wuskogee, Indian Territory, November 3, 1905.

I. P. Fledsoe,

Agent for Alexander Alberty, et al.,

Choteau, Indian Territory.

Dear Sir:

There is returned herewith motion filed by you with this office to have reopened the Cherokee freedmen enrollment cases of Alexander Alberty, et al., together with affidavits in support of the same attached thereto. It is stated in the motion that a copy of the motion and affidavits is sent to the Commissioner of Indian Affairs, to W. V. Hastings, attorney for the Cherokee Nation, and to this office.

You are advised that this office is in receipt of Departmental letter of October 24, 1905, in which your motion filed with the Department to have these cases reopened, is denied. There is inclosed herewith a copy of Departmental letter referred to, and your attention is called to the following language used therein: "Notaries public in the Indian Territory are not allowed to practice before this Department."

Respectfully,

Incl. 8-83

Tamr Dixby
Commissioner.

Cherokee Freedmen

COPY.

D-744, et al.

Muskogee, Indian Territory, November 3, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of October 24, 1905, in which the motion, filed in behalf of Alexander Alberty, et al., to have reopened their Cherokee freedmen enrollment cases, is denied.

For your information, there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

Incl. S-78

DEPARTMENT OF THE INTERIOR,

UNITED STATES INDIAN INSPECTOR

FOR

INDIAN TERRITORY,

D 12991-1905.

Muskogee, Ind. T., December 18, 1905.

Joanna Cook,
Chouteau,
Ind. Ter.

Madam:

I am in receipt by reference of the Honorable Secretary of the Interior of your letter of December 9, 1905, asking information in reference to your citizenship.

In reply you are advised that such matters are handled by the Commissioner to the Five Civilized Tribes, and I have accordingly referred your letter to him for appropriate reply..

Very respectfully,

J. C. White
U. S. Indian Inspector
for Indian Territory.
wmc

WMC(LMC)

Muscogee, Ind, Terry.

Dec. 22nd / 1905

Personally appeared before me ^{Linn McVair} who after being duly sworn makes the following statement: I was well acquainted with George Landrum and his children Chlo-ra Foreman nee Landrum and Charity Alberty nee Landrum and I know that they returned to the Cherokee Nation in the Fall of 1866- I saw them at the Bell place during the Fall of that year in the Cherokee Nation and I know that Charity Alberty nee Landrum died before the year 1880 in the Cherokee Nation and that she was always considered a good citizen of the Cherokee Nation. I know all our brothers and sisters are on the 1880 and Dawes Commission rolls of Cherokee Indian citizens. I am a Indian citizen of said nation and 55 years old and live at Vinita, Ind, Terry.

Witness

J. P. Blodoe

^{Linn} Linn McVair
Mack

There was no notary present when written Linn is great
J. P. O.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-745.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. *AK*

Muskogee, Indian Territory, December 23, 1905.

Joanna Cook,

Choteau, Indian Territory.

Dear Madam:

This office is in receipt, by reference of the United States Indian Agent, of your letter of December 9, addressed to the Secretary of the Interior, asking to be advised if you can apply "on mother's side for right". You state that you have been advised that your enrollment has been finally denied.

In reply you are advised the records of this office show that the decision of the Commission to the Five Civilized Tribes, dated May 18, 1905, rejecting your application for enrollment as a Cherokee freedman, was denied by the Secretary of the Interior on August 5, 1905, and that on October 24, 1905, the Department denied a motion for rehearing in your case. The action of the Interior Department is final.

You are further advised that if you have any newly discovered evidence that is material to your case, and advise this office in detail the nature of the same, and file affidavits in support of the same, stating in full the facts to which the witnesses, whose testimony you desire to introduce in the event your

-2-

case is reopened, will testify, same will be forwarded, with recommendation, to the Secretary of the Interior for action thereupon.

Respectfully,



LS

Commissioner.

*In reply please refer
to the following.*

DEPARTMENT OF THE INTERIOR.

UNITED STATES INDIAN SERVICE,

INTRUDER,

UNION AGENCY,

MUSKOGEE, IND. T., December 28, 1905.

Mr. I. P. Bledsoe,

Choteau, Indian Territory.

Sir:

I am in receipt of your communication of December 11, 1905, in which you ask that this office take no action to dispossess George Cook or his wife, Joanna Cook or Alice Alberta until their petition can be disposed of before the Department as to citizenship.

I do not understand what case you refer to unless it be Cherokee Intruder case Number 657, in which Joel L. Baugh is plaintiff and Joanna Cook, defendant, as I can find no complaint filed against George Cook or Alice Alberta. Please advise me if this is the case you refer to.

An early reply is respectfully requested.

Very respectfully,


United States Indian Agent.

WVB(LB)-

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 17, 1906.

Joanna Cook,
Choteau, Indian Territory.

Dear Madam:

This office is in receipt of papers in connection with the Cherokee freedman enrollment case of yourself and brother, Alexander Albery. No letter of transmittal was received with the papers, but it is evident that they are transmitted to be considered as a motion to have your case reopened.

The papers are returned herewith and you are advised that the rules and regulations require that copies of all papers filed in connection with motions to have Cherokee enrollment cases reopened shall be served on the Attorneys for the Cherokee Nation, proof of such service to be made. If you will serve copies of these papers on the Attorneys for the Cherokee Nation and make satisfactory proof of the same and return them to this office, they will be forwarded to the Secretary of the Interior for his consideration and action thereupon.

Respectfully,



Commissioner.

Incl. GL-33.
GHL

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen

D-744-745.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 22, 1906.

I. P. Bledsoe,

Choteau, Indian Territory.

Dear Sir:

This office is in receipt of your letter of January 18, inclosing petition of Alexander Alberty and Joanna Cook to have reopened their Cherokee freedmen enrollment cases, and various affidavits and papers attached thereto. You state that you requested a notary public to send the affidavits of Flora Foreman and Thomas Moore to this office, and that you "mailed by register, as the within receipt will show, a full and complete copy of all to W. W. Hastings, James S. Davenport and Hoolley Bell, Cherokee attorneys, Muskogee".

In reply, the petition and all papers attached thereto are returned herewith, and you are advised that they bear no evidence of copies thereof having been served on the attorneys for the Cherokee Nation; neither is this office in receipt of any "receipt" showing that copies of the same have been served on the attorneys for the Nation. This office is in receipt of what purports to be a copy of the above mentioned petition, the same inclosed in an unsealed envelope addressed to Messrs. Hastings, Davenport, & Bell, attorneys for the Cherokee Nation, in care of the Dawes Commission. These papers do not appear to have gone

through the mail, as the stamp on the envelope has never been cancelled. They are not copies of all papers attached to the petition returned herewith.

There are also inclosed affidavits signed by Thomas H. Moore and Flora Foreman, which were received at this office on the 18th inst. No letter of transmittal accompanied these affidavits, but it is presumed that they are the ones referred to in your letter of January 18. These affidavits bear no evidence of copies thereof having been served on the attorneys for the Cherokee Nation.

Your attention is called to a letter addressed to you on the 20th inst., in which certain affidavits in connection with this case were returned to you with the advice that they could not be considered until copies of the same had been served on the attorneys for the Cherokee Nation, evidence of which service to be made.

Respectfully,



Commissioner.

Incl. 8-80

DC 5184-1908.

I.T.D. 6050-1908 DEPARTMENT OF THE INTERIOR.

9687- "

9871- "

WASHINGTON, January 26, 1908.

WTF
YP
FHE

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On March 24, 1904, you transmitted the record in the consolidated Therokwe Freedmen case of Jim Alberty, et al., including your decision of March 8, 1904, rejecting the applicants.

Reporting July 26, 1904, the Acting Commissioner of Indian Affairs recommended that your decision be reversed and that the applicants be enrolled.

On August 18, 1904, you were directed to notify the applicants and the attorneys for the Nation that they would be allowed time within which to file arguments in the matter. A brief has been filed by the attorneys for the nation, and an answer to the same has been filed by the attorneys for the applicants.

You stated in your decision that-

"The principal applicant, Jim Alberty, claims to have been a slave of John Alberty, a Cherokee citizen, at the commencement of the rebellion; but the evidence shows that the latter sold his slaves Jim Alberty, some years before the war to a citizen of the State of Arkansas and it does not appear that said Jim Alberty belonged to a Cherokee citizen at the commencement of the rebellion."

It appears that all the other applicants are the descendants of said Jim Alberty, and was born since 1866.

The testimony in this case is entirely too unsatisfactory to justify the Department in rendering a decision in the matter. The applicant Jim Alberty states that he was a slave of John Alberty, a Cherokee citizen, at the beginning of the war. Anderson Lynch, one of the witnesses for the applicants, states that the only thing he knows is that at one time before the war the applicant Jim Alberty belonged to one of the Albertys, and that after the war he saw him back in the nation. Simon Lynch, another witness for the applicants, states that he had seen Jim Alberty two, three or four times years before the breaking out of the war. Hose Hardrick, another witness for the applicants, is not positive that the applicant Jim Alberty was the slave of John Alberty. R. W. Lindsay, who testified in behalf of the Cherokee Nation, states that all he knows about Jim Alberty, of his personal knowledge, is that he saw him in a wagon with two or three other colored people, in the spring of 1860; that he did not see him any more until after the war, and that John Alberty had informed the witness that he sold Jim Alberty at Little Rock. J. W. Alberty, a cousin of John Alberty, states that "along about '67 or '8 there was a man by the name of Hewlan and Bill McCracken brought Jim and another colored man by the name of John ~~Alberty~~ and sent me to take them from my house at Evansville, and John Alberty takes him off from there and carried him south."

Jake Alberty, a son of John Alberty, who was born in 1854, and would therefore have been three years of age in 1857, states that his father took Jim off before the war and sold him. Another witness, Ellis B. Wright, states that in 1823 he was

indicted for shooting Jim Alberty; he also states that- "He claimed not to be a citizen of the Cherokee Nation at the time; he claimed his Master, John Alberty, had taken him below Fort Smith and sold him down below Dardenelle, and sold him to a man by the name of Morton."

While the evidence on both sides is unsatisfactory, the Department does not feel warranted in rejecting the applicants, by reason of the conflicting testimony introduced on behalf of the nation. The Department does not feel warranted in accepting the testimony of Ellis B. Wright as to the admissions made by the applicant in 1883. If it be true that the applicant claimed not to be a citizen of the Cherokee Nation at that time, the records of the court should show same. Owing to the unsatisfactory condition of the record, it is returned herewith, and it is desired that you endeavor to secure positive and satisfactory evidence upon which the Department would be justified in rendering a decision. You will therefore reopen the case, and allow the applicants and the attorneys for the nation an opportunity to introduce further testimony, after which you will readjudicate the case.

Respectfully,

(Signed) THOS RYAN,

Acting Secretary.

3 inclosures.

Muskogee, Indian Territory, March 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of October 24, 1905 (I.T.D. 13858-1905), there is inclosed petition made by I. P. Bledsoe, of Choteau, Indian Territory, for a rehearing in the Cherokee freedmen enrollment cases of Joanna Cook and Alexander Alberty, (D 744-745). Various papers and affidavits are attached to the petition. Some of the affidavits have not been sworn to, and others, which are signed by mark, are not witnessed. The petition bears no evidence of a copy thereof and of the papers attached thereto, having been served upon the attorneys for the Cherokee Nation. There is, however, a receipt attached to the petition for a registered letter received at the postoffice of Choteau, I. T., on January 27, 1906, of I. P. Bledsoe and addressed to Messrs. Hastings, Davenport & Bell, attorneys for the Cherokee Nation, but there is nothing to show the contents of the letter.

This motion was denied by the Department in its letter to this office of October 24, 1905, for the reason that a copy of the same, and the affidavits attached, had not been served upon the attorneys for the Nation, and for the further reason

that the agent filing the same, and before whom the affidavits were executed, was a notary public.

The papers inclosed, or a part of them, have several times been returned by this office to Mr. Bledsoe and to the applicants with instructions to serve copies of the same upon the attorneys for the Cherokee Nation, and to make proof of such service.

Mr. Bledsoe has resigned his commission as a notary public for the Northern district of Indian Territory and has been admitted to practice as an agent before this office.

The records of this office show that on March 24, 1904, the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, reflecting the applicants embraced in the Cherokee freedmen consolidated cases of Jim Alberty, et al., which included among others, the applications for the enrollment of Joanna Cook and Alexander Alberty as Cherokee freedmen, was forwarded to the Department; that on August 12, 1904 (I.T.D. 6080-1904), the Department directed this office to furnish the attorneys for the Cherokee Nation with a copy of a letter of the Acting Commissioner of Indian Affairs, dated July 26, 1904, recommending that the Commission's decision adverse to the applicants be reversed, and to advise them that they would be allowed thirty days to file such argument as they desired to make in the case, and to advise the applicants that they would be allowed ten days from service

of a copy of the Nation's argument within which to reply to same; that on January 26, 1905 (I.T.D. 9687, 9871-1904), said case was remanded to the Commission for rehearing and readjudication; that on May 18, 1905, the Commission rendered its decision adverse to all of the applicants embraced in said cases of Jim Alberty, et al., and that on August 5, 1905 (I.T.D. 7676-1905), the Commission's decision was affirmed by the Department.

Respectfully,

Incl. 9-7

Acting Commissioner.

Through the

Commissioner of Indian Affairs.

C O P Y .

P.P.

D.T.N. 15324-1906.

FHE. 1

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LKS

September 8, 1906. 2

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There were received with your office letter of March 2, 1906, and Indian Office letter of August 29, 1906, certain papers filed by the attorney for Alexander Alberty and Joanna Cook in connection with a petition for the enrollment of Alberty and Cook as Cherokee freedmen, which application for enrollment was rejected by the Department August 5, 1906, the decision of the Commission to the Five Civilized Tribes adverse to the claimants being affirmed.

As your office states, the petition, again filed, was denied by the Department October 24, 1906, for the reason that a copy thereof, and of the affidavits accompanying it, had not been served upon the attorneys for the Cherokee Nation, and for the further reason that the agent filing the same and before whom the affidavits were executed was a notary public. You report that such agent has resigned his commission as notary and has been admitted to practice before your office.

In January, 1906, the papers previously filed, and other affidavits, were transmitted to your office by said agent but

without proper evidence of service of copies upon the attorney
for the nation.

Neither the attorney for the claimant nor the claimants
themselves seem to understand in what manner the motion desired
to be made should be prepared and presented; they appear to
think that the Department might order enrollment upon such
ex-parte statements without a rehearing.

The cases of these applicants were consolidated with that of
Jim Alberty, their father, through whom they claim. His applica-
tion was rejected in the decision of the Department referred to.
They also claim through their mother, Charity Alberty, but for
some reason which does not appear little testimony was taken
as to her.

The petition now submitted, while not going into detail as
to the alleged residence of Charity Alberty in the nation,
indicates that possibly she was the slave of a Cherokee citizen
and returned to the Cherokee Nation within the time prescribed
by the treaty of 1866. The Department deems it advisable that a
rehearing should be allowed such applicants. The decision of
August 5, 1905, is therefore rescinded as to Alexander Alberty
and Joanna Cook. The original record and papers received with
your office letter of March 2, 1906, are inclosed, and you are
authorized to order a rehearing, and after the same is had, to
readjudicate the case.

Respectfully,

Jesse E. Wilson

Assistant Secretary

Through the Commissioner
of Indian Affairs.
3 inclosures.

D. C. 43797

(COPY)

Choteau Ind. Tery, Oct 6" 1906.

Dear girls:

In reply to your request to send the names of witnesses desired in the Freedman citizenship cases of Joanna Cook and Alee Alberty I will give you their names and P.O. address viz:

Hannah Thomas P.O. Keifton, I.T.

Jack Landrum Hayden I.T.

Mary " "

Thomas Moore Ketchum I.T.

Nelson " "

Nellie Landrum Vinita I.T.

These are all the witnesses I think that I will need in these cases. However I wish to introduce the inscription on her tombstone Charity Alberty nee Landrum when the case comes up she was buried on Salt Creek about 20 miles North of Chelsea I.T. in order to thoroughly establish the fact that she died and was buried here in the Cherokee Nation.

Very Respy

I. P. Hledge

Representative for Joanna Cook &
Alee Alberty.

Cherokee Freedmen

R-707.

Muskogee, Indian Territory, October 17, 1906

Alexander Alberty,

Choteau, Indian Territory.

Dear Sir:

You are advised that on October 6, 1906, your agent, I. P. Bledsoe, Choteau, Indian Territory, furnished this office a list of the names and addresses of the witnesses he proposes to introduce in the matter of your Cherokee freedman enrollment case, and you are advised that at nine o'clock A. M., Thursday, November 1, 1906, you will be permitted to appear before the offices of the Commissioner and introduce the testimony of the witnesses named by your agent.

The Cherokee Nation will also be permitted to appear on that day and introduce in rebuttal such testimony as it desires in your case.

Respectfully,

LS

Commissioner.

Cherokee Freedmen

R-707-708.

Muskogee, Indian Territory, October 17, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed a copy of a letter dated October 6, 1906, from I. P. Bledsoe, agent for Alexander Alberty and Joanna Cook, giving a list of the names and addresses of the witnesses he expects to introduce on behalf of Alexander Alberty and Joanna Cook in the matter of their Cherokee freedmen enrollment cases.

The applicants and their agent have this day been notified that they will be permitted to appear before the offices of the Commissioner on November 1, 1906, and introduce the testimony of the witnesses named. The Cherokee Nation will also be permitted to appear on that day and introduce in rebuttal such testimony as it desires in the cases.

Respectfully,

Incl. S-13
LS

Commissioner.

Cherokee Freedmen

R-707-708.

Muskogee, Indian Territory, October 17, 1906.

I. P. Bledsoe,

Agent for Alexander Alberty, et al.,
Chateau, Indian Territory.

Dear Sir:

This office is in receipt of your letter of October 6, 1906, giving a list of the names and addresses of the witnesses you propose to introduce on behalf of applicants, Alexander Alberty and Joanna Cook, in the matter of their applications for enrollment as Cherokee freedmen. The Cherokee Nation has been advised of the names and addresses of the witnesses you propose to introduce.

You will be permitted to appear before the offices of the Commissioner at nine o'clock A. M., Thursday, November 1, 1906, and introduce the testimony of the witnesses named. The Cherokee Nation will also be permitted to appear on that day and introduce in rebuttal such testimony as it desires in the cases.

Respectfully,

LS

Commissioner.

Cherokee Freedmen
R 707-708

Muskogee, Indian Territory, November 1, 1906

I. P. Bledsoe,

Agent for Joanna Cook, et al.

Choteau, Indian Territory.

Dear Sir:

October 8, 1906, you advised this office that you expected to introduce the testimony of the following witnesses on behalf of applicants in the Cherokee freedmen cases of Joanna Cook and Alec Alberty:

Hannah Thomas,
Jack Landrum,
Mary Landrum,
Thomas Moore,
Nelson Moore,
Mellie Landrum,

Keifton, Indian Territory,
Hayden, Indian Territory,
Hayden, Indian Territory,
Ketchum, Indian Territory,
Ketchul, Indian Territory,
Vinita, Indian Territory.

As requested in your letter of October 29, there are enclosed herewith subpoenas for the following persons whose testimony you formerly advised you expected to introduce:

Mellie Landrum,
Nelson Moore,

Vinita, Indian Territory,
Ketchum, Indian Territory,

I.P. Bledsee-2

and Thomas Moore, Ketchum, Indian Territory
Jack Landrum, Hayden, Indian Territory
Hannah Thomas, Keefton, Indian Territory.

Respectfully,

Encl. B-15

Commissioner

L M B

Cherokee
P B 707--708

Muskogee, Indian Territory, November 24, 1906.

I. P. Bledsoe,

Agent for Alexander Alberty, et al.,

Choteau, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings had at Muskogee, Indian Territory, November 8 and 9, 1906, and at Vinita, Indian Territory, November 9, 1906, in the matter of the applications for the enrollment of Alexander Alberty and Joanna Cook as Cherokee Freedmen.

Respectfully,

Incl. CL-60.
GHL

Commissioner.

Cherokee
P R 707--708

Muskogee, Indian Territory, November 24, 1906.

I. P. Bledsoe,

Agent for Alexander Alberty, et al.,
Choteau, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings had at Muskogee, Indian Territory, November 8 and 9, 1906, and at Vinita, Indian Territory, November 9, 1906, in the matter of the applications for the enrollment of Alexander Alberty and Joanna Cook as Cherokee Freedmen.

Respectfully,

Incl. GL-60.
GHL

Commissioner.

Cherokee
F R 707-708

Muskogee, Indian Territory, November 24, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings had at Muskogee, Indian Territory, November 8 and 9, 1906, and at Vinita, Indian Territory, November 9, 1906, in the matter of the applications for the enrollment of Alexander Alberty and Joanna Cook as Cherokee Freedmen.

Respectfully,

Incl. GL-600
GHL

Commissioner.

Cherokee
P R 707-708

Muskogee, Indian Territory, November 24, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings had at Muskogee, Indian Territory, November 8 and 9, 1906, and at Vinita, Indian Territory, November 9, 1906, in the matter of the applications for the enrollment of Alexander Alberty and Joanna Cook as Cherokee Freedmen.

Respectfully,

Incl. GL-600
GHL

Commissioner.

Cherokee V
B 707.

Muskegee, Indian Territory, January 8, 1907.

Alexander Alberty,
Chouteau, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, denying your application for enrollment as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. H.J.-16.
H.J.C.

Commissioner.

Register.

Cherokee F.
R 707
R 708.

Muskogee, Indian Territory, January 8, 1907.

I. P. Bledsoe,
Agent for Alexander Alberty, et al.,
Choteau, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, denying the application for the enrollment of Alexander Alberty, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl. H. J. - 14
H. J. G.

Cherokee F.
R 707
R 708

Muskogee, Indian Territory, January 8, 1907.

W. W. Hastings,
Attorney for the Cherokee nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, denying the application for the enrollment of Alexander Alberty, et al., as Cherokee Freedmen.

The decision, together with the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.H.J.-15
H.J.C.

Muskogee, Indian Territory, January 8, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Alexander Alberty, et al., as Cherokee freedmen, together with the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, denying the applications for the enrollment of Alexander Alberty and Joanna Cook, as Cherokee freedmen.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

Encl. H. J. - 29
H. J. C.

Land
2967-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

COPY

February 21, 1907.

The Honorable,
The Secretary of the Interior.

Sir:

There is enclosed the record of the proceedings in the matter of the application for the enrollment of Alexander Alberty and Joanna Cook as Cherokee freedmen, together with the decision of the Commissioner to the Five Civilized Tribes Dated January 8, 1907, adverse to the applicant.

The record shows that application was made to the Commission to the Five Civilized Tribes for the enrollment of the applicants herein as Cherokee freedmen within the time limited by law.

The evidence shows that the applicants, Alexander Alberty and Joanna Cook, were born since 1866, and are descendants of Jim and Charity Alberty.

The Evidence further shows that Charity Alberty was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the progress of the war she left the Cherokee Nation, and after ample opportunity having been afforded the applicants to establish by satisfactory evidence that their mother, Charity Alberty, was an actual

personal bona fide resident of the Cherokee Nation on February 11, 1867, they have failed to do so.

Commissioner Bixby reports that neither of the applicants can be identified on the Cherokee authenticated roll of 1880.

Therefore, by reason of the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat.L., 898) the Office concurs in the decision of Commissioner Bixby denying the enrollment of Alexander Alberty and Jeanna Cook as Cherokee freedmen.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KEM.PP.

COPY

Y.P.

D.C.12054-1907.

DEPARTMENT OF THE INTERIOR,
WASHINGTON. O.K.

I.T.D.

4306, 4332, 4334, 4368,
4674, 4706, 4720, 4788,
4792, 4800--1907.

February 27, 1907.

L.R.S:

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of Transmittal.
Lucile Vann, (Freedman),	January 9, 1907.
Lewis Brown (Freedman),	October 17, 1906.
Manchie James,	October 17, 1906.
George E. Madden,	October 17, 1906.
Ada A. Waybourn,	February 2, 1907.
Lucy Chisholm (Katie Vann) (Freedman),	November 23, 1906.
Ethal Mary House,	November 23, 1906.
Luella Blythe,	January 8, 1907.
Frances Collins et al.,	January 7, 1907.
Alexander Alberty et al. (Freedman),	January 8, 1907.

A copy herewith and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

10 inc. and 21
inc. for Ind. Of.
A.F.Mc
2-28-07.

Cherokee F
R 707.

Muskogee, Indian Territory, March 6, 1907.

Alexander Alberty,
Chouteau, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the
Commissioner to the Five Civilized Tribes, dated January 8,
1907, rejecting your application for enrollment as a Cherokee
freedman was affirmed by the Secretary of the Interior, February
27, 1907.

Respectfully,

Encl. HJ-58.
HJC

SIGNED *James S. [illegible]*
Commissioner.

Cherokee F
R 707 et al.

COPY

Muskogee, Indian Territory, March 6, 1907.

I. P. Bladsee,

Agent for Alexander Alberty, et al.,

Chouteau, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the five Civilized Tribes, dated January 8, 1907, rejecting the applications for the enrollment of Alexander Alberty, et al., as Cherokee freedmen was affirmed by the Secretary of the Interior, February 27, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-74.
HJC

SIGNED *Tams Bixby.*

Commissioner.

Cherokee F
R 707 et al

COPY

Muskogee, Indian Territory, March 6, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the
Commissioner to the five civilized Tribes, dated January 8,
1907, rejecting the applications for the enrollment of Alexander
Alberty, et al., as Cherokee freedmen was affirmed by the
Secretary of the Interior, February 27, 1907.

For your information there is enclosed herewith a copy
of Departmental decision referred to.

Respectfully,

SIGNED *Tams Bixby*

Encl. HJ-60.
HJC

Commissioner.

Registry Receipt.

Post Office at
Registered Letter No. 115 Rec'd 9/12, 1901
Parcel
of J. C. Starr

addressed to Alexander Albury
Chatham Vt.
H. Ross P. M.

REGISTRY RECEIPT.

Post Office at

Registered Letter Parcel No. 6

Rec'd

. 1904

of

One letter

addressed to

offering Jan 24th 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540,

P. M.

REGISTRY RECEIPT.

Cher.Fr.R 708

Cher.Fr.R 708

Trans. from CFD 745

7 W 745

12

Two copies (clerical) of

of General I. L.

(attached) L. H. Hooper

(attached) L. H. Hooper

DEPARTMENT OF THE ARMY
COMMISSION TO THE FINE IN THE ARMY
FILED
AUG 28 1901

ACTING CHIEF

Enc. Clipped and on file in the file of the Virginia State, 1901.

[Handwritten signature]

Chief of Bureau

100-1000

To be filed in the case of Joanna Cook, CFD-766.

Mellette & Smith, Attorneys for Applicant.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 18, 1901.

In the matter of the application of Jim Alberty for the enrollment of himself and his two grandchildren as Cherokee Freedmen; he being sworn and examined by Commissioner C. R. Breakridge, testified as follows:

Q Give me your name? A Jim Alberty.

Q Who is it you want to enroll; anybody besides yourself? A Yes sir, two grandchildren.

Q You want to enroll yourself and two grandchildren? A Yes sir.

Q Are these grandchildren orphans? A They have a living mother, but I keep them.

Q How old are you? A Seventy.

Q What is your post-office? A Chouteau.

Q In what district do you live? A Saline.

Q How long have you lived in the Cherokee Nation? A ~~Inhabit~~ From the first of my recollection until now.

Q About all your life, have you? A Yes sir.

Q Are you a recognized Freedman of the Cherokee Nation? A I have drawn money; I am certain I am not on the 1880 roll.

Q You are partly recognized? A Yes sir.

Q Were you a slave in the Cherokee nation at the breaking out of the Civil War? A Yes sir.

Q To whom did you belong? A John Alberty.

Q He was a citizen of the Cherokee Nation was he? A Yes sir, A Cherokee Indian.

Q Where did he live? A He lived on Pryor Creek just below Pryor Creek Station.

Q Were you taken out of the Cherokee Nation during the war? A Yes sir.

Q Where were you carried? A Carried to the Chickasaw Nation.

Q At what time were you carried out of the Cherokee Nation? A Some time about '62.

Q And how long did you stay in the Chickasaw Nation? A I stayed there, I reckon five or six months.

Q And then where did you go? A I run off and went to Little Rock.

Q And how long did you stay there? A I enlisted in the Army there.

Q In the Union Army? A Yes sir.

Q How long did you serve in the Union Army? A Just until peace was made.

Q Until the war was over? A Yes sir, peace was made.

Q Were you discharged from the army? A No sir.

Q What did you do? A Just come home.

Q Run off again? A Yes sir.

Q Where did you come? A Come right here to the Cherokee Nation.

Q At what point? A Right in Saline District at Lewis Downing's.

Q I come there and stayed there. I come and stayed with Frank Consens first.

Q Did you come to Frank Consens first? A Yes, first.

Q You stayed there a while and then come to Lewis Downing's? A Yes sir.

Q In what year did you come to Frank Consens? A In 1866 when I come there.

Q Have you lived in the Cherokee Nation continuously ever since? A Yes sir; never had any home anywhere else.

Q Give me the names of your two grandchildren. A Gera Alberty.

Q How old is that child? A She must be about 17.

Q Now give me the name of the next child. A Daisy Alberty.

Q How old is that child? A She is near 15.

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Q Are these children both living now? A Yes sir.

Q Give me the name of the mother of these children? A Melvina Alberty.

Q Is she alive? A Yes sir, she is here, I am looking for her here now.

Q Is she your daughter? A No sir, she is my daughter-in-law.

Q Does Melvina Alberty claim to be a Cherokee Freedman? A No sir.

Q How old is Melvina Alberty? A I could not tell; she looks as if she might be fifty or fifty-five years old.

Q Give me the name of the father of these children? A Anderson Alberty.

Q He is dead, is he? A Yes sir.

Q Was he your son? A Yes sir.

Q When did he die, how long since? A He died just after the Wallace payment; he was sick then before the payment.

Q About how old was he when he died? A I couldn't tell; I expect he was near fifty at the time.

Q Now his wife, Melvina Alberty, has she married since her husband, Anderson, died? A No sir.

Q She is still the widow of Anderson Alberty? A Yes sir.

Q Was she ever married except to Anderson Alberty? A Yes sir, she was married before.

Q How many times before? A I don't know; she says she was married before; I don't know it only just what she says.

Q Was your son, Anderson, ever married except to this wife, Melvina? A No sir, never was married before.

Q Did he live with Melvina until he died? A Yes sir; she was taking care of him while they were doctoring him.

Q Was your son married to Melvina Alberty at the time the 1880 roll was taken, twenty or twenty-one years ago? A Yes sir, he was married longer than that, I guess.

Q Melvina Alberty has never been admitted to any roll, has she? A No sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the names of the applicant, his deceased son, and his son's wife, are not identified thereon.

Q What district were you living in in 1880? A Saline District.

Q Was your son Anderson in Saline in 1880? A Goowesscoowee.

Q Was he on the roll of 1880? A I do not know whether he was or not.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q Did you draw strip money? A Yes sir.

The Kerns Clifton roll examined and the names of the applicants are identified thereon as follows:
Page 144, No. 5563, James Alberty, Goowesscoowee District;
Page 144, No. 5569 Daisy Alberty, Goowesscoowee District;
Page 144, No. 5570 Gora Alberty, Goowesscoowee District.

The Wallace roll examined for the name of the applicant and his name is found on page 137, No. 5458, James Alberty, place and residence, Cheuteau, I. T.

The Wallace roll has a note in connection with the name of James Alberty to the following effect: In the Wallace Column he is given as number 57, and above it is written the

word "rejected". In the Bennett Column, he is given as No.3, and above it is written "rejected".

Edgar Smith, Applicant's Attorney: Where did your son Anderson Alberty marry his wife, Melvina? A He married at Oswego.

Q Where did they live? A Up here on Big Creek after they married.

Q How long did they live there? A Six or seven years.

Q Where were they living at the time your son died? A They were living down at my house; down on the river.

Q In what Nation? A In the Cherokee Nation, in Saline District.

Q When did you state your son died? A I couldn't tell; just after the Wallace payment; I don't know what year it was.

Q Well, when did you come back to the Cherokee Nation after the war? A I came back in 1866.

Q Where have you lived since that time? A Right in a mile or two where I am living now in Saline District on the farm I have got now.

Q Did you draw your strip money in 1897 or 1896, I don't remember which it was? A I drew the strip money. And drew money at the Wallace payment.

Q Did you draw money at the Wallace payment? A Yes sir.

Q How about your grandchildren, were they or were they not on the Kerns Clifton roll? A Yes sir.

Q Do you know of your own knowledge whether they drew their money or not on the Kerns Clifton roll? A Yes sir.

J.S.Davenport: Where were you at the breaking out of the rebellion between the states the last was you speak of? A On Pryor Creek.

Q To whom did you belong at that time? A John Alberty.

Q Jerry Alberty also belonged to John Alberty? A No sir.

Q Jerry Alberty lived near John Alberty's? A No sir, he lived down the river twenty miles.

Q Do you know Jerry Alberty? A Yes sir.

Q Did you know him at the breaking out of the war? A Yes sir.

Q You at one time belonged to a man named Martin down in Arkansas, didn't you? A No sir.

Q Didn't John Alberty sell you to a white man that lived in the State of Arkansas? A No sir.

Q Do you know E.B.Wright? A Yes sir.

Q You know what year it was you and he had a shooting scrape down on Grand River? A I do.

Q Do you know what year? A No sir, I don't know the year we had that.

Q It was after the making of the Wallace roll? A No, I think it was before.

Q Did you testify at the trial in the Federal Court at Fort Smith? A Yes sir.

Q If, in giving your testimony in that case, didn't you testify as follows: "I belonged to John Alberty before the war, but was sold to a man by the name of Martin in Arkansas before the war? A I didn't testify that. I can tell you what I testified.

Q I don't want to know that; I asked you this? A No sir, I didn't.

Q Wright was tried in the federal court at Fort Smith? A Yes sir.

Q Do you know R.W.Lindsey of Chouteau? A Yes sir, I know him when I see him.

Q He was living near John Alberty at the breaking out of the war? A No sir, not within 12 or 15 miles.

Q Did you know him, Lindsey, before the war? A Yes sir, I knowed him.

Commissioner: You say your son, Anderson, was married at Oswego? A Yes sir.

Q Oswego, Kansas? A Yes sir.

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Q You say your son, Anderson, died after the Wallace payment?

A Yes sir.

Q Did he draw money on the Wallace roll? A Yes sir, he drew the first money for his children himself.

Q How long did your son, Anderson, live in Kansas after he was married? A He didn't live there; he come home.

Q Did he just go there to get married? A Yes sir. The woman lived there and become right home; he lived 12 miles from there.

Q Where did he meet that woman? A He met her in Oswego, that is where he got her.

Q About when did he marry her? A I couldn't tell you.

Q Did he get acquainted with her up there during the war? A Yes sir.

Q How long after the war was it before he went back there and married her? A Four or five years; along after this railroad come through; I don't know what year that was.

Q Had he been going there and meeting her and keeping up his acquaintance with her? A Yes sir.

Q When did he come back after the war? A Directly after I come back; he come to my home; he was quite young ~~man~~ the n. He come home after the war was over.

Q Did he make visits back up to Kansas? A Yes sir, he made visits up there.

Q Who was up there that he had occasion to see, any kin folks? A No sir, none but this woman to see as far as I know.

Q As far as you know, he would go up there to see her, and then married her? A Yes sir, after a while he married her and brought her down to my family. He never was healthy any more. He was called Anderson Alberty and was called Anderson Reed.

The Wallace roll examined and the name of the applicant's son and grandchildren are identified thereon as follows:

Page 135, No. 2826, Anderson Reed, Coeweescoowee District;

Page 135, No. 2827, Reddy Reed, Coeweescoowee District.

Page 135, No. 2828, Cora Reed, Coeweescoowee District.

Q Do you know anything about a child named Reddy? A No sir, they never had but these two children.

Q Is this child Daisy ever called Reddy? A No sir, not that I know of; her name is Daisy.

Anderson Lynch, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

Q Give me your full name. A Anderson Lynch.

Q How old are you? A 64 years old.

Q What is your post-office? A Vinita.

Q How long have you lived in the Cherokee nation? A I was born and raised here.

Q Were you a slave in the Cherokee nation at the breaking out of the Civil War? A Yes, sir.

Q To whom did you belong? A To Jos Lynch.

By Edgar Smith: Do you know James Alberty? Or Jim Alberty? A Yes sir.

Q How long have you known him? A I knowed him a while before the breaking out of the rebellion.

Q Where did you know him? A I knowed him down on the river.

Q What river? A Down in there by the Lake.

Q What nation was it in? A Cherokee Nation.

Q Do you know who he belonged to? A He belonged to some of the Alberty's.

Q Do you know of your own personal knowledge where he was during the war; whether he went out of the Cherokee Nation or not?

A No sir, I do not.

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Q When did you first see him after the war? A Down at Locust Grove by a store where they would get some goods.
Q Where is Locust Grove, in the Cherokee Nation? A Yes sir, that is below the asylum.
Q When was it you saw him after the war? A In the summer of '86.
J.S.Davenport: The Asylum was there then? A No sir, the building was there; it was Ross' building.
Q How old were you at the breaking out of the war? A I was 21.
Q How old was Jim? A I don't know how old he was.
Q How far did you live from him at the breaking out of the war? A Nearly thirty miles.
Q How long had it been since the war broke out that you had seen Jim Alberty? A I don't know exactly how long; I never kept track of it. I would just see him.
Q You don't know whether it had been two or three years you had seen him before the war broke out or not? A No, it was longer than that.
Q The only thing you know is that he at one time before the war belonged to one of the Alberty's, and that after the war you saw him back here? A Yes sir.

Simon Lynch, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

Q Give me your full name? A Simon Lynch.
Q How old are you? A About 72 I guess.
Q What is your postoffice? A Spavinaw Mill.
Q In what district do you live? A Saline.
Q How long have you lived in the Cherokee Nation? A All my life, only when I went out the time of the war, and stayed a little while.
Q Were you a slave in the Cherokee Nation at the breaking out of the war? A Yes sir.
Q To whom did you belong? A Joe Lynch.
Q He was a Cherokee citizen, was he? A Yes sir.
Edgar Smith: Did you ever see him back in the Cherokee Nation after the war, Jim Alberty? A Yes sir.
Q When did you see him the first time? A In the fall of '86.
Q Where? A At my house on Grand River.
Q Well, what became of him, do you know? A He lived down below me all the time ever since.
Q How far below you? A I don't know how far it is.
Q In the Cherokee nation? A Yes sir.
J.S.Davenport: Simon, did you know Jim before the war broke out? A Yes sir.
Q How near did you live to him before the war broke out? A I lived at old man Joe Lynch's; he lived at old man John Alberty's; we used to trade horses.
Q That was about thirty miles apart? A No sir.
Q How far? A About twenty or twenty two miles.
Q How long had it been before the war broke out that you had seen Jim Alberty? A I don't know how long it had been.
Q Two, three, or four years? A Yes, I guess it was.

Mose Hardrick, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

Q Give me your full name? A Mose Hardrick.
Q How old are you? A 71.
Q What is your post-office? A Chelama.
Q In what district do you live? A I live in Geowepdawee now.
Q How long have you lived in the Cherokee nation? A Ever since I was born up only what time I was out in the war time.
Q Were you a slave in the Cherokee Nation at the breaking out of the war? A Yes sir.
Q To whom did you belong? A Lewis Ross.
Edgar Smith: Do you know Jim Alberty? A Yes sir.

Q Did you know him before the war or after? A Before.
Q How long before the war did you know him? A I couldn't tell
Q How long before the war? It was in slave time. We used to go
to his master's place down there they lived. I would herd up our
cattle and drive them back to our cow ranch.
Q Who was his master? A John Alberty.
Q Was he a Cherokee citizen? A Yes sir.
Q Do you know of your own knowledge what became of Jim Alberty
after the war? A I do not.
Q Wasn't with you? A No sir.
Q Did you see him back here after the war? A Yes sir.
Q When? A A while after I come here.
Q When did you come? A I come back here in '66.
Q How long after you come back? A I seen him that summer.
Q Where? A In the country. Did you come back before or after the treaty was
made? A I don't know anything about the treaty; I come when the
war was over.
Q You never heard about the treaty being made when you started
back? A I heard about the treaty, and that is the reason we come
back.
Q And then you know you came back after the treaty was made?
A Yes sir, must have.
Q When did you come the following summer after you come back? A The same
summer I went down to Port Gibson and saw him.
Q At what summer did you go down there and see him? A The first
summer after the war.
Q You came back after the treaty was made? A Yes sir.
Q And the first summer you come back, you went to Port Gibson
and saw him? A Yes sir.
Q He belonged to John Alberty when you first knew him? A Yes sir.
Q You don't know where he went during the war? A No sir.
Q You know where he was when the war broke out? A He was down in
the country because that spring we were taken down to get the cattle,
he was there with us.
Q You swear positively that he was there with you when the war
broke out? A Yes sir.
Q He states that he was sold in Arkansas to a man before the
war broke out he is mistaken? A I don't know anything about
that.
Q Do you know Jim Alberty was sold out of the country or not?
A I do not.
Q Are you able to say he was not, and that he was a slave of
John Alberty, are you? A I won't do that.
Q And you don't remember positively what time you saw him at
John Alberty's when the war broke out? A It was in the spring;
I was a cow driver and I had to go and bring the cattle back up
here.
Q Do you know Jerry Alberty? A Yes sir.
Q Did you know him before the war broke out? A Yes sir.
Q Was he down at John Alberty's when the war broke out? A Yes sir,
he was with us gathering cattle.
Q Was he there in the neighborhood and he knew John Alberty's
cattle, didn't he? A I don't know what he knew.
Q You never seen him? A He was there helping us gather cattle.
Q You know where he lived? A I don't know; he lived near the
country.
Q Do you know where Jim Alberty was living when the war broke
out? A Yes, sir, at John Alberty's place.
Q In Saline District? A At the old Salt Works.
Q Is it in Saline District now, if it wasn't then? A I don't
know.
Q I reckon it must have.
Q Don't you know? A I don't know anything about the district,
what district are you living in? A Coconino District.
Q Do you know the lines in Coconino District? A No sir,
I don't know any line in the districts of the Cherokee Nation.

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William Rider, being sworn and examined by Commissioner C. R. Breekinridge, testified as follows:

Q Give me your full name? A William Rider.

Q How old are you? A 56.

Q What is your postoffice? A Chouteau.

Q How long have you lived in the Cherokee nation? A All my life.

Q Were you a slave in the Cherokee Nation when the war broke out? A Yes sir.

Q To whom did you belong? A Tom Rider.

Edgar Smith: Did you know Anderson Alberty sometimes called Reed?

A Yes sir.

Q Is he living or dead? A He is dead.

Q Where did he live? A He lived, when I knew him he lived here at Chouteau.

Q Was he married or single? A He was single at that time.

Q When did you first know him at that time you are speaking about now? A In '66 or '67.

Q Do you know whether he afterwards married or not? A Yes sir.

Q Do you know his wife's name? A Melvina.

Q Where did he live when when he was married when he was living with Melvina? A Up here about Big Cabin, I believe.

Q Do you know how long he and Melvina lived together? A No sir, I do not.

Commissioner: Did you know Melvina Alberty before she married Anderson? A No sir.

Q All you know is that she lived as the wife of Anderson Alberty?

A Yes sir.

Q How long did you know them as man and wife? A I didn't know her at all; I seen her after he was married; he didn't come down to the river after they were married.

Q Where did they live after they were married? A Up here on Big Cabin.

Q You only know of the marriage from hearsay? A Yes sir, I know that was his wife; I saw him once since that.

Q You say you never saw her? A No sir.

Q How do you know anything about her - how do you know her name was Melvina? A He told me his wife was named Melvina.

Edgar Smith: Do you know anything about whether they lived together as man and wife in that community - did you know it before, or by anybody except him? A No sir.

Q Did you know it from the community in which he lived, the neighbors that lived around? A No sir, they never said anything to me.

Q All you know is what he said? A Yes sir, is what he told me.

The applicant applies for the enrollment of himself and two grandchildren. The applicant is not identified on the roll of 1880 or on the roll of 1896; he is identified on the Kerns Clifton roll, and he is also upon the Wallace roll, but after his name there is written a word "rejected". He claims to have lived in the Cherokee Nation all his life, except a brief absence during the Civil War. It is contended by the Cherokee representative present that ~~the applicant~~ he was sold as a slave into the State of Arkansas before the breaking out of the Civil war, and was a slave in that state at that time, and of a citizen of that state, and hence he does not come under the treaty of 1866. For the further consideration of this case, the applicant will now be listed as a Cherokee Freedman on a doubtful card. The two grandchildren, Gern and Daisy Alberty, are identified on the Kerns Clifton roll; they are living at this time; they are not identified on the roll of 1896, but the older of these children is identified on the Wallace roll, and there is a child in that family identified on the Wallace roll as Daddy Reed; which may be intended for

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Daisy Alberty, as no child of that name is known in this family, which was some times called Alberty, and some times called Reed. There appears to be only these two children. The father of these children, who was the son of the applicant, now deceased, is identified on the Wallace Roll, but not upon the roll of 1880. It has not been developed or contended that this son, Anderson Alberty, was sold with his father from the Cherokee Nation prior to the Civil War. It is desired to further establish the marriage between Anderson Alberty and his wife, Melvina, who is said to be still living and not to have remarried since the death of her husband, Anderson Alberty. It is desired also to establish the status of Melvina Alberty at the time of her marriage to Anderson Alberty, as arising from any previous marriage or marriages that she may have contracted. It appears that she was a State Freedman of the State of Kansas, but she may have acquired rights through her husband by intermarriage. Under these conditions these two children will now be listed for enrollment as Cherokee Freedmen on a doubtful card, and the applicant is desired to inform his daughter-in-law, Melvina Alberty, that she should make application for her own enrollment as a Cherokee Freedman by intermarriage.

Counsel agree to introduce additional testimony on Tuesday of next week.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(signed) E. G. Rothemberger.

Subscribed and sworn to before me this 17th day of May, 1901.

(signed) C. R. Brockbridge,
Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 21, 1901.

Supplemental testimony in the matter of the application of Jim Alberty for enrollment as a Cherokee Freedman.

Smith and Mellette, Attorneys for Applicant, Attorney Smith present. W. W. Hastings, and J. S. Davenport, Attorneys for the Cherokee Nation, present. Testimony taken by agreement.

R. W. Lindsey, being sworn and examined by Commissioner T. B. Needles, testified as follows; witness on behalf of the Cherokee Nation.

Q What is your name? A R. W. Lindsey.

Q What is your age? A 69 years.

Q What is your post-office address? A Chouteau.

By W. W. Hastings, Cherokee Attorney: Mr. Lindsey, where did you live prior to the war? A I was living at- it was called Bryan's store, on the west side of Grand river, four miles west of the Grand Saline.

Q What would be the nearest postoffice to that place? A Pryor Creek is on this side of the river, and Locust Grove on the west side of the river.

Q Did you ever live on the west side of the river? A It is about eight miles southeast of Pryor Creek.

- Q Were you married before the war? A Yes sir.
- Q What is your wife's maiden name? A Maria Bryan.
- Q What relation was she to Joel Bryan? A A daughter.
- Q Did you know John Alberty who was a Cherokee citizen? A Yes sir, very well.
- Q How far did John Alberty live from where you did before the war? A About six miles.
- Q Do you know a colored man that was once owned by John Alberty by the name of Jim Alberty, who is the applicant here? A Yes sir.
- Q Did you know him before the war? A Yes sir.
- Q And you have known him since the war? A Yes sir.
- Q When you first knew him who did he belong to? A He belonged to John Alberty.
- Q This John Alberty who lived near you? A Yes sir.
- Q Now state what you may know of his ownership at the time the war came up, anything that you may know about it? A The war came up in '61. The last I knew of Jim was in April '60, about the first of April, and the last I seen of him was April. Mr. Alberty had taken him and another man, and a woman and a man then the property of old man Bryan from Bryan's store.
- Q Is John Alberty alive? A No sir.
- Q Now go ahead and state it, the last you knew of Jim, what you were going to state? A The last I seen of him, John Alberty was riding horse back, and he had, I can't now recall the young man's name that was driving the wagon, and he had four of those colored people, Jim and Fred and his wife, and a woman, I don't recollect her name, the four in a wagon; that is the last I knew of them.
- Q That was in April of '60? A That was in April of '60; that was the last I seen of him until after the war.
- Q Where did John Alberty live from '60 until the war come up? A At the crossing of Pryor Creek on the military road, the same place where he had been living at for years.
- Q Was Jim Alberty living there with him at that time? A No sir.
- Q At the time the war came up? A No sir.
- Q Had he been there since April, 1860? A Not that I know of; never seen him or heard of him.
- Q Well, what became of the other two colored people who belonged to your father-in-law, Joel Bryant? A I could tell it, but the technical testimony I don't know how; I have heard it.
- Q What became of Jim Alberty? A Mr. Alberty said he sold them to a party down below Little Rock.

Applicant's Attorney objects to answer and moves to strike it out.

The objection is overruled and exceptions noted.

Commissioner: Mr. Alberty was the owner of Jim Alberty?

A Yes sir.

Q And he told you so? A Yes sir.

Applicant's attorney objects to the above question and answer and moves to strike it out.

The objection is overruled and exceptions noted.

W.W. Hastings: Do you know what he got for him? A No sir.

Q And after he told you that, did you ever see Jim Alberty in the Cherokee Nation before the war? A No sir, until after the war.

Q And you lived in the same neighborhood? A Yes sir.

Q Was there any one else taken off with Jim Alberty? A Another party, a woman of Mr. Alberty's, and a woman and a man of Col. Bryan.

Q Did you see any settlement made with Mr. Alberty with reference to those? A No sir, I did not see any money paid over directly.

I was in the house, and I don't know anything about the amount of money.

Q Col. Bryan's darkies went off the same time? A Yes, the same time with the Albertys.

Q Do you know how long Mr. Alberty was gone on that trip?

A No, I couldn't say; it wasn't a very great while; maybe two weeks and maybe not so long.

Q He was back there in the spring of 1860? A Yes sir, he wasn't gone a great while.

Q And after he came back you never saw the applicant, Jim Alberty, until after the war? A No, I have answered that.

Attorney Edgar Smith: Mr. Lindsey, Joel Bryan took his slaves down to Mexico and peoned them, didn't he? A To some extent, I don't know that he peoned them, I will make a statement if you want one.

Q Tell us what you know about it, did he peon some of his slaves in Mexico? A Well, for the life of me, I can't say, yes, and I couldn't say, No. As ~~was~~ I said, and I think with a few words I can tell you. He made a contract with some of his slaves to take them to Mexico for so much money, and when he got there they left them and he sued them on the contract. Well, it is this way, you may be more familiar with the laws of Mexico than I am, but it is this, this debt would hold over for diversified claim at a fixed salary until the debt was paid, but at any day if you could get another man, if you would come to me and say I owe so much money, and I would work it out for you he sued a man and got judgment, and Gov Tarassas come in and paid the judgment, and in the matter of course, these parties became slaves of Judge Tarassas.

Q So they made an agreement with him? A They signed a contract with him.

Q Where did they agree on that? A Fort Stockton, Texas.

Q After they became free? A Just at that time; it was just a little while before they became free.

Q They were down there and had no way to get out? A When they started from Red River it was not understood that they were freed at the time Col. Bryan sold several and there were parties following to buy these, and the so others some of them niggers, they had been raised in the family, they didn't want to sell and they didn't want to be sold; this other party wanted to go and they went on and they sold them all there.

Q Where? A On Red River and in Fannin County, Texas; everyone of them.

Q As a matter of fact after the war was over and these people were freed, Bryan took them down to Mexico and peoned them? A I made a statement that was the way they were peoned; they owed this debt.

Q What debt was that? A It was for the transportation to go to Mexico.

Q All you know about Jim Alberty of your personal knowledge is that you saw him in a wagon with two or three other colored people in the spring of '60? A Yes sir, in '60.

Q And you didn't see him any more until after the war? A No, I didn't see him any more until after the war.

Q You don't know of your own personal knowledge what became of him?

Q I told you before that he, Mr. Alberty, sold him at Little Rock.

Q That is what Mr. Alberty said? A Yes sir.

Q You never saw him in Little Rock? A No sir, I never saw him until after the war; after he left in the wagon.

Commissioner: When was it Alberty told you this, after the war?

A No sir, after he came back; he was only gone two weeks.

Q I thought you said you didn't see him after he went away in the wagon? A I didn't see him any more, but I saw John Alberty he was only gone about two weeks.

Q Do you know even if John Alberty had or sold Jim Alberty in '60, you don't know whether Jim Alberty's owner ever resold him to John Alberty or any citizen of the Cherokee Nation? A No sir, I don't know anything about that.

W Hastings: You know he never came back? A I know I never saw him until after the war.

Commissioner: When did you see him after the war? A I think it was in '68.

Q Not sooner than '68? A Not it couldn't have been, because I wasn't in the country until the latter part of '67.

Edgar Smith: You weren't here until nearly '68? A No sir, December, '67.

Recross examination of Applicant by W. V. Hastings, Cherokee Attorney:

Q What is your name? A Jim Alberty.

Q Mr. Alberty, you testified in some case the other day that you were in the Union Army, didn't you? A Yes sir.

Q You testified that you joined the Army at Little Rock, Arkansas?

A Yes sir, I did.

Q And that you went through the war in the Union Army? A Yes sir, I did.

Commissioner: How did you get to Little Rock? A I run away and went there.

Q Did you run away from John Alberty? A Yes sir.

(Counsel for Applicant moves to strike out all that portion of witnesses testimony relative to what John Alberty told him with regard to selling applicant.

The motion was overruled and exceptions noted.

The undersigned, being duly sworn, states that as stenographer to the commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me this 27th day of May, 1901.

(signed) E. C. Rothenberger,
(signed) C. R. Brockinridge,
Commissioner.

Kellette & Smith, attorneys for applicant;

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., May 29th, 1901.

In the matter of the application of Melvina Alberty for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Brockinridge, testified as follows:

Q What is your name? A Melvina Alberty.

Q How old are you? A 57.

Q What is your post office address? A Welch.

Q In what district do you live? A Delaware.

Q Who do you want to have enrolled besides yourself? A Just myself.

Q Do you apply to be enrolled as a Cherokee Freedman? A By intermarriage.

Q When were you married? A In 1882 I think.

Q To whom were you married? A Jim Alberty.

Q Where did you marry him? A Savage Kansas.

Q Who do you claim through? A Anderson Alberty.
 Q Have you a certificate of your marriage? A Yes sir.
 Q Were you ever married before you married Anderson Alberty? A Yes sir.
 Q How many times? A Once.
 Q What was the name of your first husband? A Tony Daniels.
 Q Was he a State man? A No sir he was a Cherokee Freedman but he died in Kansas.
 Q When did he die? A In '71.
 Q When did you marry him? A 1866.
 Q Did you live with him there in Kansas? A Yes sir.
 Q Did he ever come back to the Nation himself? A No sir, his folks lived on Big creek.
 Q What was Anderson Alberty doing in Kansas when you married him?
 A We was going up there to get a pension, and they said that we had to be married and so we got a preacher to marry us up there.
 Q Was he living up there? A No sir.
 Q Was he ever married before he married you? A No sir, not as I knows of; he was soldiering around and might have been pretty bad about women like all other men is I dont know.
 Q When did Anderson Alberty die? A In '91.
 Q Have you married since he died? A No sir I wouldn't marry again, I am drawing a pension.
 Q Have you lived with any other man as his wife since he died?
 A No sir, fore God I aint living with no man.
 Q Where are you living now? A 5 or 6 miles west of Welch.
 Q Who with? A A colored family, and has two children there some of the time.
 Q You are not on the roll yourself? A No sir.
 Q Did you know anything about Anderson Alberty before you married him? A Yes sir, first got acquainted with him time of the war.

By Hellette:

Q The two children, Cora and Daisy are your children by Anderson Alberty? A Yes sir I am their mother.
 Q Was Anderson Alberty their father? A Yes sir.

By Com'r Breckinridge:-

The applicant states that she was married in 1862 at Oswego, Kansas, to a Cherokee Freedman, now deceased. His status has been gone into in Cherokee Freedman Doubtful card #287, in which is embraced the enrollment of the two children of the applicant by the said Anderson Alberty. The testimony is to the effect that the said Anderson Alberty was never married prior to his marriage to her, but she is not positively informed on that subject. She states that she was once previously married, but that her former husband died in 1871, and consequently prior to her marriage to Anderson Alberty. She states that her former husband was a Cherokee Freedman, but that he married her in 1866, in the state of Kansas, and that he lived with her in Kansas until he died. Applicant's attorney states that he has a marriage certificate establishing her marriage to the said Anderson Alberty, which he will file with this case to-morrow. She will now be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card No. 287, the same being the card including her children. The applicant states that she has never re-married since the death of her husband Anderson Alberty. The final decision of the commission will be made known to her at her post-office address.

Chas. van Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true

and correct transcript of his stenographic notes therein.

(signed) Chas. vonWeise.

Subscribed and sworn to before me this the 1st day of June, 1901,
at Chelsea, I. T.

(signed) T. B. Needles,
Commissioner.

M. D. Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he made the above copies
and that same are true and complete copies of the originals.

M. D. Green

Subscribed and sworn to before me this August 26th, 1901.

[Signature]

Commissioner.

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Q Do you know a colored man up in your country by the name of Jim Alberty, commonly known as Sheep Jim? A I do.

Q How long have you known him, Mr. Wright? A I have knowed him ever since about '81 or '2.

Q Mr. Wright, were you ever arrested and taken to Fort Smith charged with shooting at or assaulting Jim Alberty? A I was.

Q About when was that? A I think it was in '83; they held two indictments against me, one was shooting Bill Marcum and one was shooting Sheep Jim.

Q Were you tried there? A I was.

Q Was this Jim Alberty a witness against you at that time?

A Yes, sir.

Q State whether the question of his citizenship was raised or not?

A It was in both cases.

Q What did he say of it? A He claimed not to be a citizen of the Cherokee Nation at the time; he claimed his Master, John Alberty had taken him below Fort Smith and sold him down below Dardenella, and sold him to a man by the name of Horton.

Q And he swore that at that time? A Yes, sir.

Q And the Court retained jurisdiction over you? A Yes, sir.

Q And tried you? A Yes, sir.

COM'R NEEDLES: The first time you saw Sheep Jim was along in '84? A Along in '82.

Com'r Needles: This testimony will be made part of the testimony in the Joanna Cook case, D.#745, and James Alberty, Jr., D.#222.

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File with case of Joanna Cook, C.F.-D.#745.

Supl. C.F.-D.#287.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 16, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JIM ALBERTY as a Cherokee Freedman, introduced on the part of the Cherokee Nation:

APPEARANCES:

Proof of service of notice to applicant filed;
Applicant called and does not appear neither in person nor by attorney;

W. W. Hastings present for Cherokee Nation.

J. W. ALBERTY, being duly sworn by Commissioner Needles, testified as follows: BY MR. HASTINGS:

- Q What is your name? A J. W. Alberty.
- Q Mr. Alberty, what is your age? A I am 67 years old.
- Q Are you a Cherokee citizen by blood? A Yes, sir.
- Q What is your post office? A Westville.
- Q Where did you live before the war? A I lived right in about two miles and a half or three miles west of Westville.
- Q Did you know Mr. John Alberty before the war? A Yes, sir.
- Q Where did he live before the war? A He lived right on Pryors Creek.
- Q He was a citizen of the Cherokee Nation? A Yes, sir.
- Q Do you know a colored man, applicant for enrollment, by the name of Jim Alberty, commonly known as Sheep Jim Alberty? A Yes, sir.
- Q Did you know him before the war? A Yes, sir.
- Q Now, tell the Commission what you know about his ownership?
- A Well, he belonged to John Alberty and John Alberty and we were cousins and he and my wife sisters and we was very intimate and along about '57 or '8 there was a man by the name of Howlan and Bill McCracken brought Jim and another colored man by the name of John and sent me to take them from my house to Evansville, and John Alberty taken him off from there and carried him south. I also had a negro girl mortgaged belonging to John Alberty by the name of Violet and he came back and redeemed Violet and took her home.
- Q Did you know where John Alberty took Jim? A I don't know he went to Memphis off on the trip, I don't know where he sold the negro man.
- Q And when he came back from that trip he redeemed the negro girl you had mortgaged? A Yes, sir.
- Q How much? A Eight hundred dollars.
- Q Was Jim with him when he came back? A No, sir.
- COMMISSIONER: Where was Evansville? A State of Arkansas.
- Q You turned him over to him in the State of Arkansas?
- A Yes, sir.
- MR. HASTINGS: You know that he took him off for?
- A Yes, sir, to sell him.
- Q Well, did he say what he did with him? A Sold him.
- Q About how long was he gone? A About six weeks.
- Q When was that? A That was about '57 or '8.
- Q Did you see this Jim from that time until after the war?
- A I haven't seen him from that time until the present, I ain't seen him at all.
- COMMISSIONER: Who did you say had been the owner of Jim?
- A John Alberty, he was my cousin.
- Q Was he a Cherokee citizen? A Yes, sir.
- Q An Indian by blood? A Yes, sir.

Q You only know as to the sale what Alberty told you? A Yes, sir; well I know he brought the money back.

Q Well, you know he brought money back? A Yes, sir.

Q But you don't know that he sold Jim, only from the circumstance and what Alberty told you when he came back? A No, sir.

Q The fact you don't know that he sold him only what he said? A Yes, sir.

Q He started to sell him? A Yes, sir.

Q And when he came back he said he sold him? A Yes, sir; he never come back and has not been there after that.

JAKE ALBERTY, being duly sworn by Commissioner Needles, testified as follows: By Mr. Hastings:

Q What is your name? A Jake Alberty.

Q What is your age, Mr. Alberty? A I will be 48 in March.

Q What was your father's name? A John Alberty.

Q Where did he live before the war? A He lived near Pryor Creek, on Pryor Creek.

Q Was your father ever the owner of a negro slave by the name of Jim, now known as Sheep Jim? A Yes, sir.

Q Now, what became of him? A I don't know; he took him off before the war; I remember that; said he sold him.

Q You were quite small? A Yes, sir, I was just a boy.

Q Did you know what your father said about it? A No, sir, I don't remember anything about it.

Q Well, do you know whether he sold him or not? A Well, that is my understanding, he took him off to sell him.

Q Was he at your house during the war? A No, sir.

Q You were living with your father? A At that time?

Q Yes? A Yes, sir.

Q Did you go south with your father? A Yes, sir.

Q Was this Jim along when you went? A No, sir. He was not along.

COMMISSIONER: You say your father went south during the war? A Yes, sir.

MR. HASTINGS: Was that after Sheep Jim was missed, or gone? A Yes, sir.

Q He was not along with you? A No, sir.

Q Have you ever seen Sheep Jim since? A Yes, sir.

Q When was the first time you saw him? A I don't know, it was back here, right here after the war.

Q Do you recollect what year that was? A No, sir.

Q You saw him right here after the war you saw? A Yes, sir, when I got back.

Q There on the place? A No, sir, he was there in the neighborhood.

Q What relation is this witness who has just preceded you to you? A He is a cousin.

Q He lived there neighbor to you? A No, sir, he lived in Going-snake district.

Q Do you recollect what year you came back after the war? A 1866.

ELLIS B. WRIGHT, being duly sworn by Commissioner Needles, testified as follows: By Mr. Hastings:

Q What is your name? A Ellis B. Wright.

Q What is your age, Mr. Wright? A 47.

Q Are you a citizen of the Cherokee Nation by blood? A I am.

Q What official position, if anything, do you hold now?

A I belong to the Cherokee Senate Committee now.

Q What is your post office address? A Pryor Creek, Indian Territory.

Q Do you know a colored man up in your country by the name of Jim Alberty, commonly known as Sheep Jim? A I do.

Q How long have you known him, Mr. Wright? A I have known him ever since about '81 or '2.

Q Mr. Wright, were you ever arrested and taken to Fort Smith charged with shooting at or assaulting Jim Alberty? A I was.

Q About when was that? A I think it was in '83; they held two indictments against me, one was shooting Bill Marcus and one was shooting Sheep Jim.

Q Were you tried there? A I was.

Q Was this Jim Alberty a witness against you at that time? A Yes, sir.

Q State whether the question of his citizenship was raised or not? A It was in both cases.

Q What did he say of it? A He claimed not to be a citizen of the Cherokee Nation at the time; he claimed his Master, John Alberty had taken him below Fort Smith and sold him down below Dardanelle, and sold him to a man by the name of Merton.

Q And he swore that at that time? A Yes, sir.

Q And the Court retained jurisdiction over you? A Yes, sir.

Q And tried you? A Yes, sir.

COM'R NEEDLES: The first time you saw Sheep Jim was along in '84? A Along in '82.

Com'r Needles: This testimony will be made part of the testimony in the Joanna Cook case, D.#745, and James Alberty, D.#722.

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J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correct ly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this September 18th, 1901.


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., NOVEMBER 8, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ALEXANDER ALBERTY and JOANNA COOK as Cherokee Freedmen.

APPEARANCES:

For Applicants, I. P. Bledsoe.
For Cherokee Nation, W. W. Hastings.

The records of this office show that on September 8, 1906, the Department ordered a rehearing in this case, of which action the applicants, their representative, and the Attorney for the Cherokee Nation were duly advised. The records further show that this case was set for hearing on November 8, 1906, at which time the following proceedings were had.

HAN ADAIR, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows:

BY MR. BLEDSOE:

Q What is your name? A Han Adair.
Q How old are you? A 49.

Mr. Hastings: Comes now the Attorney for the Cherokee nation and objects to the taking of the testimony of this witness for the reason that it does not appear that her name was included within a list of witnesses furnished the Commissioner to the Five Civilized Tribes on October 6, 1906, as being one intended to be introduced on behalf of these applicants.

On Behalf of the Commissioner: The records of this office show that the Agent for applicants on October 6, 1906, notified this office that he expected to introduce on behalf of applicants the testimony of the witnesses whose names and addresses he furnished. In accordance with that advice the Attorney for the Cherokee nation was notified thereof and the case was set for hearing on this date. As the name of Han Adair was not included in the list of witnesses furnished, the objection of the Attorney for the Cherokee nation will be sustained.

JOANNA COOK, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows:

BY MR. BLEDSOE:

Q What is your name? A Joanna Cook.
Q Are you married? A Yes sir.
Q What was your name before you married? A Joanna Alberty.
Q How old are you? A 27.
Q Who was your father? A Jim Alberty.
Q Who was your mother? A Charity.

- Q Do you know what her name was before she married your father?
A Yes sir.
Q What was her name before she married? A Charity Landrum.
Q Is your mother living now? A No sir.
Q Do you know when your mother died? A Yes sir.
Q What is your best knowledge as to when she died? A She died when I was about two years old.
Q Do you have any idea where she was? A Yes sir, I know where she died at.
Q Where? A On Big Creek.
Q Was she buried up there? A No sir.
Q Where was she buried? A Buried on Lightning Creek.
Q Where do you live now? A I live about six miles east of Choteau.
Q How long have you lived there? A About 12 years.
Q Where did you live before you moved there? A Lived on the River and on Big Creek, moved from Big Creek on Grand River.
Q Cherokee Nation? A Yes sir.
Q Have you ever been out of the Cherokee Nation since you were born, that you know of? A No sir.
Q Lived in the Cherokee Nation continuously since your birth?
A Yes sir.
Q Have you got a place in the Cherokee nation? A Yes sir.

Mr. Hastings: Objected to as being irrelevant and immaterial.

On Behalf of the Commissioner: The objection will be noted.

- Q Still live on your place? A Yes sir.
Q Do you know any of your Uncles and Aunts? A Yes sir, I know some of them.

Mr. Hastings: Objected to as being irrelevant and immaterial because these applicants cannot be admitted on indefinite relationship. It makes no difference if they had 40 uncles and aunts who are admitted and who are citizens of the Cherokee Nation. If they claim through their mother they must show that their mother was entitled to enrollment as a citizen of the Cherokee Nation.

On Behalf of the Commissioner: The objection will be noted.

- Q Name some of your Uncles and Aunts? A Uncle Jack Landrum, Uncle Jim Landrum. Uncle Leonard Sherman.

Mr. Hastings: No cross examination.

W I T N E S S E X C U S E D .

ALEX ALBERTY, being first duly sworn by B. P. Hanson, a Notary Public, testified as follows:

BY MR. HENDERSON:

- Q What is your name? A Alex Alberty.
Q How old are you? A About 30.
Q Who was your father Alex? A Jim Alberty.
Q Who was your mother? A Charity.
Q What was her name before she married your father? A Charity Landrum.
Q Where do you live now Alex? A About 6 miles east of Choteau.
Q Got a place there? A Yes sir.

- Q How long have you lived there Alex? A I have lived there since about 12 years.
- Q Where did you live before that? A Big Creek.
- Q Where were you born, or do you know? A I was told I was born on Big Creek.
- Q Have you ever been out of the Cherokee Nation to live since you were born, if you know? A No sir.
- Q Lived continuously in the Cherokee Nation since your birth? A Yes sir.
- Q Do you know any of your Uncles and Aunts? A Yes sir.

Mr. Hastings: Objected to as being irrelevant.

On Behalf of the Commissioner: The objection will be noted.

- Q Name them? A Uncle Jack Landrum.
- Q Any others? A Leonard Landrum.
- Q Any others? A Sherman Landrum.
- Q These are all Cherokee Freedmen? A Yes sir.
- Q What relation are you to Joanna Cook? A She is my sister.
- Q Have the same father and same mother? A Yes sir.

Mr. Hastings: No cross examination.

WITNESS EXCUSED.

THOMAS H. MOORE, being first duly sworn by B. P. Ramus, a Notary Public, testified as follows:

BY MR. BLEDSOE:

- Q What is your name? A Thomas H. Moore.
- Q How old are you? A 55.
- Q Are you a Cherokee freedman? A Yes sir.
- Q Where do you live? A I live up three miles east of Ketchum, Indian Territory.
- Q Cherokee Nation? A Yes sir.
- Q How long have you lived there? A I have been around there probably all my life, pretty near it.
- Q Did you ever know Charity Landrum? A Yes sir.
- Q Do you know who she was a slave of? A Master Landrum.
- Q A Cherokee citizen? A Yes sir, and Aaron Landrum.
- Q Do you know what time,---where did she go out of the country during the war? A Yes sir, I think she went south.
- Q Do you know what time they came back, or when did you see Charity in the Cherokee Nation after the war? A The first time I saw Charity after the war my step-father heard of her coming back and he went over there in the fall of '66 and told my mother about it and she sent him back after Charity and Sophia.
- Q Where was that? A Over on Cabin somewhere.
- Q And you lived on Grand River? A Right where I live now.
- Q That was in '66? A Yes sir, in the fall of '66.
- Q How long did Charity continue to remain in that neighborhood? A She lived with us all that winter. Well she lived right around there then, different places, lived with my father, with us, I don't know just how long, until she went out west.
- Q Went out west, where did she go to? A Went out to Big Creek and around up there and got married out there. Married Jim Alberty. That is what I learned, I wasn't at the wedding, nothing like that.
- Q Did you see her after she went out west? A Yes sir.
- Q How long after she went out west did you see her? A That was, she was out there some 5 or 6 years. She had 3 or 4 children then.
- Q Where was she living then, when you saw her? A On Big Creek, down the Creek from Dan Rowe's place.

- Q Do you have any idea where she died? A She died up there.
Q Do you know whether these children are her children or not? A
Yes sir, they were little fellows when I was there, but I haven't
seen them for a long time,--after they moved down in here I haven't
seen them but a time or two until here lately.
Q You never heard of her living out of the country? A No sir.
Q Do you have any idea about what time she died? A No sir, it was
somewhere along in '70,--somewhere as near as I could guess at it
about '79 or '80.
Q Do you have any idea whether it was before they made the '80 roll
or not? A I think it was.
Q You have some recollection when they made the '80 roll? A Made
it in '80.
Q You are not related to these people in any way? A Yes sir.
Q What relation? A Cousin.
Q Do you know of Charity ever drawing any money at all from the
Cherokee Nation?

Mr. Hastings: Objected to because the records is the best tes-
timony, and that is in the possession of the Commissioner to the
Five Civilized Tribes.

On Behalf of the Commissioner: The objection will be noted.

- A I don't remember whether she drew any or not, if she did it was
that \$10.00 payment.
Q Where was that \$10.00 payment made to you all? A Up to Vinita.

BY MR. HASTINGS:

- Q How old did you say you are? A 55.
Q I will ask you to examine this affidavit that is filed with the
motion to reopen this case which is dated Vinita, January 17,
1906, made before O. E. Drake, Notary Public, and state whether
or not that is your signature? A That is my signature.
Q You swear to that and recognize it? A Yes sir, that is mine.
Q Is the body of this affidavit all in your writing? A No sir.
Q You didn't write that above? A No sir.
Q Was this affidavit read to you at that time? A Yes sir.
Q Did you understand the contents of it? A I think so.
Q I am asking you now if you know? A Yes sir.
Q How do you swear that the statements made in there are true?
A Read it and lets see.
Q I asked you if you recognized your signature? A I do.
Q Were you sworn to it before O. E. Drake, Notary Public? A I
don't remember that part.
Q You do remember that Notary? A No sir.
Q Do you remember swearing to this affidavit? A No sir.
Q You do recognize that as your signature? A Yes sir.
Q Didn't you make an affidavit in this case for Mr. Blodsee and no
one else? A Yes sir.
Q Where did you make that and before whom? A In Vinita under him.
Q Then you didn't make it under O. E. Drake? A No sir.
Q You swear that? A Yes sir.
Q You didn't swear to it before anybody else but Mr. Blodsee?
A Yes sir.
Q You know that? A If I did I don't know nothing about it.
Q I am asking you if you know now. We have got a good many affi-
davits of yours in other cases, now did you swear to an affidavit
before anybody except Mr. Blodsee? A No sir, I didn't.
Q How do you know whether the statements made in this paper which
I have shown you that bears your signature are true or not? Would
you have signed that if they were not true? A I signed it to
be true.

- Q Did you read it when you signed it? A No sir, I didn't read it.
Q You are in the habit of signing them without reading them? A Mr. Bledsoe read that.
Q Is that his writing there? A I suppose so.
Q Did you see him write it? A Yes sir.
Q Didn't you know what it contained at the time? A Made a statement for him.
Q Did you know what the statement contained when you signed it?
A Yes sir, I made a statement for these minor children here.
Q Did you all the facts in it,--was it read to you? A Yes sir, Mr. Bledsoe read it to me, that was all the facts he put in there.
Q Did you read it? A No sir.
Q He read it to you? A Yes sir.
Q And as he read it was the facts stated therein true? A Yes sir.
Q You have sworn now you are 55 years old? A Yes sir.
Q You swore on the 17th day of January, 1906, according to this paper, "My name is Thomas H. Moore, I am 53 years old, I live 3 miles east of Ketchum, I. T." Is that true or false? A It might have been a mistake in the age.
Q Then that wasn't true, the statement made in this affidavit? A When was that made?
Q On the 17th day of January, this year? A 1906?
Q Yes, there is the paper, this, can't you see? A Well there might have been an error in getting that age down because I am 55 years old. I can tell you when I was born.
Q Are you in the habit of making statements, signing affidavits without reading them? A I didn't read that.
Q You are in the habit of swearing to them without reading them?
A I don't know as I swore to that one.
Q You know if you did swear to it you only swore to it before Mr. Bledsoe and no one else? A Yes sir, if I did then I don't remember it. If that is a mistake in my age where I got my age correct I had it figured up.
Q Haven't you always known your age? A Ever since I got so I could learn how to read.
Q You knew your age last January the same as you do now? A Yes sir.
Q Where did you say Charity Landrum was the first time you saw her after the war? A At our house where my step-father brought her.
Q What is his name? A Lewis Rowe.
Q What time of the year was it? A Along in the fall.
Q What time of the fall of the year? A Along in October or November, somewhere along there. We call it the fall of the year.
Q Where did Lewis bring her from? A From Mrs. Landrum.
Q Were they Cherokees? A Yes sir.
Q Had you ever seen her before? A Before the war?
Q Before that? A No sir.
Q That was the first time you had ever seen her? A Yes sir, that was the first time.
Q I mean that was the first time in the fall of 1866, the first time you ever saw Charity Landrum? A Yes sir.
Q And yet awhile ago you were asked to whom she belonged before the war and you testified of your own personal knowledge that she was a slave of some one? A Yes sir.
Q Are you in the habit of swearing that way of these things? A What way.
Q You have just sworn now you never saw her before 1866, haven't you? A Yes sir, that was the first time I saw her after the war.
Q You said that was the first time you ever saw her in your life?
A Yes sir.
Q And yet you have sworn that she was a slave of a certain Landrum

before the war? A Yes sir, I belonged to Landrum and so did she.

Q But you never saw her? A No sir, I was a small boy.

Q How can you swear to whom she belonged and you never saw her?

A My father brought her right from the folks that owned her.

Q But you never saw her before the war? A That is the way I was informed, and she was kin to me and belonged to the same people, and of course my folks would tell me all about it.

Q Is that the way you have been swearing in a whole lot of these cases that you have filed affidavits in here? A No sir.

Q You think it was in the fall you saw her at your step-father's house? A He went and got her that time.

Q How old were you at that time? A I was some 12 or 15 years old.

Q You couldn't tell, between 12 and 15? A Somewhere along there, 15 or 16 maybe.

Q Perhaps you were 17? A I was old enough to know when they come there.

Q How do you think you were 12, 14, 15 or 16? A 15 or 16 along there.

Q How long did she stay there at Rowe's? A That winter. She lived around there. She stayed with us quite awhile, didn't have no wheres to go.

Q Stayed right there? A Right around in the neighborhood there, she lived with us and she left there and went to her father's.

Q Where did her father live? A Down on the River 7 or 8 miles, George Landrum was her father.

Q Where had she come from when your step-father went and got her?

A From the south.

Q How long had you heard of her being up there from the south in that neighborhood? A I don't know about that, how long she had been up there.

Q A week? A She might have been there longer than that. The old man was across the river over there and heard of her.

Q Was that the first you had heard of her? A Yes sir.

Q And your step-father went and got her as soon as you heard of her?

A Yes sir.

Q And then she stayed there continuously? A He went and got two of them.

Q I am not talking about two of them? A Yes sir, she stayed with us until she went to her father's.

Q How long did she stay with her father, George Landrum? A I don't know, she lived around there quite awhile.

Q Then where did she go? A Out west.

Q To whose place? A I don't know, out there to some of her kin folks I think, she went to Minerva, her sister's.

Q About how long was that after 1866 before she went out there?

What I am trying to get at, how long did she stay in your neighborhood before she went west? A 5 or 6 years, maybe longer.

Q Continuously? A Yes sir.

Q Did you know Jack Landrum or John Landrum's wife, Mary? A Mary Elliott.

Q Yes? A Yes sir, slightly.

Q What relation was she to Charity Alberty, formerly Charity Landrum?

A I don't know nothing about her relationship.

Q What relation was she to Mary's husband, John? A Sister as far as I know about it.

Q I exhibit to you an affidavit of Mary Landrum attached to the motion to reopen this case made before I. P. Hedges on the 23rd day of September, 1905, in which she states that "I came back to the Cherokee nation in 1866 and I knew that Charity Landrum, afterwards Jim Alberty's wife, came with us in 1866." You can look at that statement, are you prepared to dispute that statement? A That statement is that.

- Q Mary Landrum, John Landrum's wife, do you say that statement is true or not? A I don't know nothing about her part of it.
- Q Do you dispute or affirm it? A I don't know a thing about it.
- Q You know this woman came from Kansas, Mary Landrum and John Landrum? A I think so.
- Q Do you dispute they brought this woman from Kansas? A Yes sir, I do, I know they didn't bring her.
- Q You swear that this statement isn't true? A I don't know nothing about that, I know my step-father went over there and got her.
- Q Don't you know she went to Kansas? A Lets see, I don't know whether she did or not.
- Q Haven't you just swore she didn't? A I don't think she did, she may have gone.
- Q Then she may not have stayed there as long as you thought and went on up to Kansas? A I don't know what she done from my part of the country.
- Q These witnesses are testifying about 1866 was that she went to Kansas, she went on up there that fall? A She didn't go, she stayed with us there.
- Q I will ask you now to look at this affidavit made by John Landrum, her brother, in which he states, it being made on the 22nd day of December, 1905, before I. P. Fledsoe, Notary Public: "I had a sister Charity Landrum who belonged to some Cherokees who went south during the war to the Choctaw Nation and returned in '65 or '66, and my sister Charity came on back with them and came on up in Kansas with Lewis Rowe to where I was and came on back to the Cherokee Nation with us in the fall of 1866". Now this is taken from the affidavit of her brother John Landrum and I will ask you to state whether you can now, under oath, deny that statement? Then she might have been in 1865, she was up to your place and went on up in the State of Kansas? A No sir, she lived around there with us all that winter, that was long, I don't know how long she did live with us, if she went up in Kansas it wasn't then.
- Q Did you know Lewis Rowe? A Yes sir, I know Lewis Rowe.
- Q Is this the same Lewis Rowe you have been testifying about?
- A Yes sir.
- Q Are you prepared to state he didn't bring her back from the State of Kansas with him? A I don't know a thing about his doings.
- Q Now your statements and his both cannot be true for the reason that you say these people lived continuously around your settlement for 4 or 5 years, and still he swears that he brought her from the State of Kansas, and that Lewis Rowe took her up there?
- A I don't know, he may.
- Q He may have done that? A I don't remember about that. There is lots of things went on then that have done slipped my remembrance, I have just forgotten all about it, somebody can tell me about them and make me remember. Now such things as that, so many people up and down the road, the old man went up and down the road many times.
- Q Then she might have gone on up in Kansas? A Yes sir, it might be.
- Q Then you might be mistaken about her living around this country?
- A She lived around first one place and then another for several years.
- Q Don't you know that that cannot be true if she went to Kansas?
- A She might have went to Kansas, I couldn't dispute that. It couldn't have been in '66.
- Q Was it 1865? A It couldn't have been that.
- Q John Landrum and his wife Mary attempted to testify in these affidavits that they brought her back when they came? A I don't know a thing about that.

- Q You have tried to testify here she stayed around your neighborhood for 5 or 6 years? A She did for I don't know how long. She had a child born up there and I named him Tom, and he was a great big boy when he died.
- Q What was his name? A Tom Foreman, Richard Foreman's son. And one born named Redmond older than Tom.
- Q Who was her first husband? A She had a fellow named Jack Buffington that she got Redmond by, at least she lived with him, and Foreman he got this other boy.
- Q That the Richard Foreman that lives in parsons? A No sir, he is dead now.
- Q Jack Buffington live in Parsons? A Yes sir.
- Q Is that the man that is the father of the child? A Father of one of them and they died.
- Q Where was the Buffington child born? A Well sir now that is another question, I don't know whether it was born down there at Landrum's or where it was born.
- Q How long after the war? A Quite a while after the war.
- Q Ten years? A Maybe so, maybe not quite so long.
- Q You don't have any idea what year it was born? A No sir.
- Q Don't know the year the Foreman child was born? A No sir, I don't know nothing about it, I know they were born.
- Q Which was born first, Buffington or Foreman? A Buffington.
- Q Both older than these applicants? A Yes sir.
- Q You don't know where the Foreman child was born? A Down on the River at her father's somewhere, down there, she lived down there, about 4 or 5 miles from where I lived.
- Q You are in the habit of making affidavits in all these freedmen cases aren't you? A No sir.
- Q Have you been making any for Starr & Patten? A Yes sir.
- Q Have you ever refused to make one in any one of them that they asked you to? A Not if I know the person.
- Q Have you known every one they asked you about? A Yes sir, every one I said I know, I knew.
- Q Every one they asked you to make an affidavit in you knew them? A Yes sir, all I was right around and raised among I knew them.
- Q Did you make an affidavit on the 23rd of July, 1906, in the Jim Landrum case? A Yes sir.
- Q Did you testify that Jim Landrum lived continuously in the Cherokee Nation? A No sir, not continuously, lived off and on up there around my neighborhood. He lived in our yard where we all lived there.
- Q When did you first see him after the war, Jim Landrum? A Along in the fall.
- Q Of 1865? A No sir, I don't think it was '65.
- Q Fall of 1866, '7 or '8? A Fall of '66 I think.
- Q Don't you know when you first saw him after the war? A Yes sir, in the fall of '66.
- Q Is that what you swore in that affidavit? A I guess so.
- Q Are you in the habit of swearing anything, signing your name to these affidavits without reading it regardless of the truth? A Yes sir, that is the truth.
- Q Where did you see him? A Right on the Bob Daniels place where we lived.
- Q Is that the first time you saw Jim Landrum after the war? A Yes sir, I think it was the first time.
- Q I will ask you if you didn't sign an affidavit before J. H. Blanton in the Jim Landrum case on the 23rd day of July, 1906, in which you stated: "When we got back in the spring of '66 Jim Landrum, Sr., was living on the Jess McCocharan place with Eliza Hilderbrand who had two children. It was about the first of April, 1866 when I came back from Fort Gibson to the Jess McCocharan place and found Jim Landrum Sr., living there." Now what do you say about it?

- Q He lived in the yard on the Bob Daniels place with us.
- Q Didn't you swear less than a minute ago that you never saw him until the fall of 1866? A If I did I made a mistake, but that is right, what is there is right.
- Q I will ask you if you didn't swear a minute ago the first time you saw him was on the Bob Daniels place? A That is where I remember of seeing him.
- Q I will ask you if you didn't swear in this affidavit that the first time you saw him was on the Jess Cochran place? A Across the River, yes sir.
- Q Did you swear that? A I guess I did.
- Q Then you just swear to any kind of affidavit they make up for you to sign? A No sir, I swear to the best of my understanding, and to the best of my recollection. That has been so far back it takes a wonder to keep all that in his head.
- Q Have you made an affidavit in the consolidated cases of Moses Riley, et al., with reference to the date of the return of Samuel Riley on the 25th day of May, 1906, before a Notary Public? Did you make an affidavit in the Moses Riley case on the 25th day of May, 1906? A Where did I make it at?
- Q Well this purports to have been made before Jessie Patton, a Notary Public? A What date was it.
- Q On the 25th day of May, this year? A I don't remember it.
- Q Did you know Mose Riley's father? A Yes sir.
- Q What was his name? A Riley McNair is all I know.
- Q You never knew him by any other name? A That is the reason I didn't know that Samuel Riley.
- Q Did you ever know him anywhere except in the Cherokee Nation? A No sir.
- Q And you don't remember of ever having made any affidavit in this case at all? A I might have made it but I don't remember.
- Q Did you testify that you saw him after the war? A Yes sir, I seen him.
- Q How many years after the war? A Why I saw him up until the time he died.
- Q Well how many years after the war before you saw him? A I don't know, I reckon all along.
- Q 3 or 4 years after the war? A Longer than that, 20 years I reckon.
- Q The first time you saw him after the war? A The first time I saw him after the war was right away after the war, right along when I come down with them folks, with my Uncle, along in the fall I believe.
- Q How many years after the war? A Right away after the war.
- Q Two or three years after the war? A No sir, it was right away close. When they all come.
- Q Why don't you swear when it was if you are going to testify about it? A They come down along in the fall or spring, I don't know which. That old man and my Uncle made a crop down there.
- Q What is your Uncle's name? A Thomas A. Moore.
- Q Is he alive or dead? A No sir, been dead a long time.
- Q I will ask you if you testified and signed an affidavit in which you stated, on the 25th day of May, 1906: "I was acquainted with Samuel Riley at the close of the Civil War and I know he left Garnett, Anderson County, Kansas for the Indian Territory with his family and his effects,--etc." Did you state that? A No sir.
- Q You didn't know him near Garnett, Kansas? A No sir.
- Q Do you deny signing an affidavit to that effect? A Where did I sign it.
- Q Did you sign one? A If I signed it, I don't remember it.

- Q Well was it true,--did you know that he left Garnett, Kansas, at any time? A I don't know a thing about that.
- Q Well if you signed a statement to that effect, it was true, isn't it? A No sir.
- Q Well did you see Riley McNair, also known as Samuel Riley after the war with his family? A Yes sir, I seen his family several times.
- Q How long after the war was it when you first saw either Riley McNair or his family? A The first time I saw him he didn't have his family with him at all.
- Q How long was that after the war? A Right away after the war when they all come down.
- Q How long after the war was it? A Right away after the war.
- Q What year was it? A It was along,-----
- Q Now the truth is you aren't very positive, are you? A He lived on the Dr. Thompson place, he come there with my Uncle, they come there.
- Q Did he make a crop on the Dr. Thompson place? A My Uncle made a crop there.
- Q Did Riley McNair make a crop there? A I think he did, I am not certain about it.
- Q Is that your best recollection? A Yes sir, but I am not positive.
- Q You are not positive as to the year? A He come when they all come down there.
- Q You know you are not going to dodge me in any such way as that. I asked you if you are positive as to the year he come? A Well as near as I can remember it must have been along in '67, somewhere along there.
- Q How did you make an affidavit in the case of Jennie Martin with reference to the return of Nelson Martin, on the 25th day of May, 1906? A Jennie Martin?
- Q I said in that case with reference to the return of Nelson Martin?
- A I don't know, I never made no affidavit as I know of.

ON BEHALF OF THE COMMISSIONER:

- Q Did you ever make an affidavit in the Harvey Martin case?
- A No sir.

BY MR. HASTINGS:

- Q You never made one with reference to the return of Nelson Martin?
- A No sir, not as I remember of.
- Q Did you ever make an affidavit in the Sam Landrum or William Todd case with reference to the return of Boney Dan Landrum? A I believe so, something about Dan Landrum, I don't remember now where there I did or not.
- Q You don't remember? A I don't remember I may made it but I don't remember it.
- Q Did you know Boney Dan Landrum? A Yes sir.
- Q What year did he come back to the Cherokee nation after the war? A He come back in them dark ages, somewhere down in there. Well as near as I remember he come along seems like it was in the winter of '66, fall or winter one, I don't know which now.
- Q You are not right positive, are you? A No sir.
- Q And you want trust your memory exactly as to the time? A I don't know exactly when he come, he trapped around in there.
- Q You sign these affidavits miscellaneously don't you, just at random. Didn't you sign this affidavit here, made on the 25th day of May, 1906, in which you state in the Sam Landrum case that you knew Boney Dan Landrum in his life time and "I know he come to the Cherokee nation, Indian Territory, in the year 1865, etc?"
- A I don't remember that part of it.

- ~~REPORT~~
- Q You never swore that? A No sir.
Q If it is, you never swore it? A No sir.
Q You never then knew Charity Alberty formerly Landrum before the war at all? A No sir, I didn't.

BY MR. WLEDSOE:

- Q How did you know that she was a slave, you stated in your former statements that she was a slave? A By my father, he went and got her from her slave owners.
Q It was commonly known that she was a slave? A Yes sir, I belonged to the same family of Landrums and they all knew one another as slaves.
Q How do you know it was in the year 1866 you saw her back here; that your father went and got her, what fixes it in your memory?
A The year of '66?
Q Yes? A Why everybody that got inside of that limitation were called '66, and that was the common talk all over the country; whenever a person came in we know they were inside the limitations.
Q Do you know what year the war closed? A Yes sir.
Q What year? A '63.
Q '63,--how long was it after the war closed before you saw Charity in the Cherokee Nation, your best judgment? A We come down here in '65, well that was two years I guess after the war.
Q Was it the next year after you come down here you saw her? A The next year after we come down here, after '65, in '66.
Q Your Uncle went and got her? A Yes sir, went and got both of these children, one of them couldn't talk English.
Q What two children did he go and get? A Sophia Landrum and Charity Landrum.
Q Who did you say was there father and mother? A George Landrum and Peggie.
Q And you know that Charity Landrum died in the Cherokee Nation?
A Yes sir, she died up there on Big Creek.
Q Now did Charity ever go to Kansas, if she did could she have stayed there any length of time without you knowing it?

Mr. Hastings: Objected to as being argumentative.

On Behalf of the Commissioner: The objection will be noted.

- Q Charity might have gone to Kansas and stayed a little while?
A Yes sir.

Mr. Hastings: Objected to as being leading and argumentative.

On Behalf of the Commissioner: The objection will be noted.

- Q What has always been Charity's home?

Mr. Hastings: Objected to because that is a question of law now being investigated.

On Behalf of the Commissioner: The objection will be noted.

- A She lived around here in the Cherokee Nation.
Q Never made her home of your own knowledge anywhere else? A No sir.

BY MR. HASTINGS:

Q Now you stated you come back two years after the war and Charity come back the year after you come? A I didn't say a year after I come. I come in '65 and she come in the fall of '66.

Q How many years after the war was it, you said you come two years after the war and she come the year after you did? A Well if the war ceased in '63.

Q Now without any reference to whether it ceased in 1863, '93 or '83, I am asking you how long after the war before you returned and then how long after that before Charity come back? A I returned in '65.

Q You know you are not going to beat about the bush that way, I never asked you what year you returned, I am asking you how long after the war was it until you returned, that you must answer?

A That would be about 4 years.

Q You returned about 4 years, did you? A As near as I can guess at it.

Q Where were you during the war? A I was in Kansas.

Q How long did you remain there after the close of the war before you came back to the Cherokee Nation? A We stayed in Kansas 5 years.

Q Five years in Kansas after the war? A Yes sir.

Q Then the next year after that is when you saw Charity here?

A In the year of '66, yes sir.

Q I am not asking you '66, I am asking you how long after you came back before you saw Charity? A It was the next year after I came back.

Q Then it was 6 years after the war before you saw Charity? A I ain't no educated fellow, I can't tell much about figures; that is the reason I am trying to count on my fingers.

Q I am asking you with reference to years, about how many years after the war before you first saw Charity? A About 6 years after the war.

Q That is your best judgment? A Yes sir, if I am mistaken.

Q You say her up there and that is the time you have been testifying about? A Yes sir.

BY MR. NIELDSON:

Q Do you come back to the Cherokee Nation within the limits of the Treaty? A Yes sir.

Mr. Hastings: Objected to as being leading.

On Behalf of the Commissioner: The objection will be noted.

Q It was the next year after you came back before you saw Charity?

A Yes sir.

WITNESS EXCUSED.

NELSON MOORE, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows:

BY MR. NIELDSON:

Q What is your name? A Nelson Moore.

Q How old are you? A 53.

Q You are a Cherokee Freedman? A Yes sir.

Q On the roll straight? A Yes sir.

Q Where do you live? A Up in Delaware District near Ketchum.

Q How long have you lived there? A All my life pretty near, lived there about 35 or 40 years, somewhere along there on the place where I am living now.

Q Did you know George Landrum? A Yes sir.

Q Peggie Landrum? A Yes sir.
Q Did you know any of their children? A Yes sir.
Q Name them? A Why there was Charity, and Sam Landrum, Dan--
Q Any others that you can recollect of? A There was one named, Trunk, he was the oldest one.
Q Was there one name Jack? A Yes sir, Jack and Jim.
Q Do you know whether Charity was a slave or not? A Yes sir.
Q Who did she belong to? A Daniel Landrum.
Q A Cherokee citizen? A Yes sir.
Q Was she a slave when the war broke out? A Yes sir, I think she was.
Q Do you know whether she left the Cherokee Nation during the war or not? A No sir, I don't know anything about it.
Q When was the first time you saw her after the war? A The fall of '66.
Q Where did you see her then? A Right at home, at my step-father's.
Q Where was that? A Up there on the river where we live.
Q In the Cherokee Nation? A Yes sir.
Q Near Ketchum? A Yes sir, on the east side of the River.
Q How long did she remain there in the neighborhood? A She stayed there with us all that winter and the next year she went to her father's.
Q Where did her father live? A Down on Lynch Prairie.
Q That in the Cherokee Nation? A Yes sir.
Q How long did she remain there, or do you know? A I don't know just how long she did stay there, quite awhile.
Q When did you next see her after she left your neighborhood? A I seen her off and on all the time after she left there. She come to Vinita and went west.
Q Do you know who she married? A A fellow named,--we always called him Sheep Jim Alberty.
Q Did you see her between the time of her leaving there and the time of her marrying Jim? A No sir, I never saw her until after she married Jim and come to Vinita.
Q About what time did she come to Vinita? A That was some in about '75 or '76 as well as I remember.
Q Did you see her pretty often from that time on? A No sir, not very often, she lived away out west.
Q Out west where? A On Big Creek.
Q In the Cherokee Nation? A Yes sir.
Q Do you have any idea about what time she died? A I don't know, along about, I don't just remember but it was some between '79 and '80, somewhere along there.
Q Do you know where she was buried? A No sir, I don't, she died out west.
Q Do you know whether she had any children by that marriage or not?
A Yes sir, I seen those two children when they were small, but I haven't never seen them since they were small. They were little fellows when I seen them.

BY MR. HASTINGS:

Q Where did you live before the war? A I lived up on the hill road east of the Mose Ridge place, and lived right on the Mose Ridge place at the breaking out of the war.
Q Delaware District? A Yes sir.
Q Where did these Landrum's live? A Stayed with Dave Landrum on this side of the River, I never was there.
Q You never saw Charity until after the war? A No sir, I never saw her.

- Q You were most too young to remember very much before the war anyhow? A Why I remember a good deal, I remember her mother, Aunt Peggie.
- Q You were not but 7 or 8 years old when the war come up? A I was about 8 or 9 years old, I remember her oldest son, one called Trunk, he was a fiddler.
- Q I want to know if you knew Charity Landrum? A Yes sir, I know her.
- Q But you never knew her before the war? A I don't remember now.
- Q You don't know then of your own personal knowledge now that she was a slave of the Landrums before the war, all you know is what you have heard? A I can't answer you there I don't believe.
- Q You don't remember, you are not certain? A No sir, I don't want to make no mistake.
- Q Now in 1866 you were not but 13 years old were you? A Somewheres I don't remember just exactly about that, 13 or 14.
- Q You give your age now as 53? A I got my age from my master after I came back here. I got my age in '66 from my master, after we got back here.
- Q What direction did Charity go during the war? A I don't know.
- Q North or south? A South I reckon.
- Q Did you hear of her being brought back? A I heard of her being brought back from the south.
- Q Are you any relation to her? A Yes sir, she is my cousin.
- Q How long after she was brought back before you saw her? A I saw her after she was brought back, my step-father went after her.
- Q Was it in a few days after she come back? A Yes sir.
- Q Where was she brought to? A She was taken down on Cabin Creek. And my step-father, Lewis Rowe, went over there and seen them and come back home and told my mother about it and she told him to go and get them and he did.
- Q Isn't it rather remarkable that you and Tom upon the stand pretty near tell the exact language used in a conversation that happened 40 years ago,---did they stay right around there in that neighborhood? A She stayed awhile, her father come and got her and she stayed down there.
- Q How long? A Stayed around there until she went out west.
- Q I am trying to get you to estimate how long she stayed? A I don't know how long.
- Q 3 or 4 or 5 years? A She stayed around there probably three years.
- Q Right in that neighborhood? A Yes sir, stayed with her father.
- Q Continuously all this time? A Stayed with her father when she was there.
- Q I said did she stay there continuously all this time? A Well what time she stayed there she stayed there.
- Q Of course, but what time you are sitting in this room you are gone,--now I want to know if she stayed around there continuously all the time until she left? A Yes sir, she stayed around there until she left.
- Q For two or three years? A She stayed around there awhile.
- Q Did she stay around there until she went out west, all the time? A Yes sir, I think she did.
- Q Do you know John Landrum or Jack Landrum, her brother? A Yes sir.
- Q He has filed an affidavit in this case taken before I. P. Blodsee on the 22nd day of December, 1905, in which he states, "I had a sister Charity Landrum who belonged to the same Cherokees and went south at the beginning of the war into the Choctaw Nation, but returned to the Cherokee Nation in '65 or '66, and my sister Charity came back with them and came on up into Kansas with Lewis Rowe to where I was, and came back to the Nation with us in the fall of '66, etc.," is that statement of her brothers filed in support of a motion to reopen in this case, true or not? A She came from the Choctaw Nation with her sister Sophia and Master Landrum.

- Q Did she go on to Kansas as John Landrum states in this affidavit?
A I think she did.
Q Why is it you just now swore she lived right there in that neighborhood all the time for two or three years and when she left she went out west, out there? A I don't know just whether she did or not, I couldn't say where she went.
Q Do you think that same fall she did go up there? A No sir, she stayed with us in the fall of '66.
Q Then if her brother swears that, it is not true is it? A I don't know nothing about that.
Q Well they both cannot be true, she either went or she didn't go?
A I don't know about that.
Q If Mary Landrum, his wife, swears practically the same thing, is that true or not? A I don't know about that Mr. Hastings. All I know, step-father went over on Big Cabin and got her and she stayed with us that winter and in the spring and summer of '67, and then her father come and got her and she stayed down there.
Q You have never made any original affidavits in this case, have you? A No sir, not for Charity.
Q Did Charity have some children? A Yes sir.
Q What was her oldest child's name? A Fred.
Q Fred what? A I don't know, he was an out child.
Q By who? A Jack Buffington supposed to be.
Q Where does he live? A In Parsons.
Q Where did he live then? A In that neighborhood.
Q When was that child born? A I don't remember, long in,---as well as I remember it was long in '68 or '69.
Q You don't remember exactly the year? A No sir, I don't.
Q You just cannot be positive about the year it was born? A No sir, but she had the boy, I am positive of that.
Q Did she have another one? A Yes sir.
Q What was its name? A Tom.
Q When was it born? A Right smart li tle little while after that. But I can't remember exactly when it was, he was another out child and I never paid any attention to it.
Q What year did Charity die? A I don't know when she died.
Q Why? A Because she lived 30 or 40 miles from me.
Q You don't know the year of her death nor do you know the year her first two children were born? A No sir.
Q You know 1866? A Yes sir, I knew '66.
Q You were a slave before the war? A Yes sir.
Q You have been making some affidavits in other cases recently?
A Yes sir, I made some.
Q Did you ever make an affidavit in the Mose Riley case with reference to the date of the return of his father, Samuel Riley, or Riley McHair? A I made an affidavit, yes sir.
Q In that case? A I think I did.
Q Before whom? A Cale Starr.
Q Did he have a Notary? A He didn't have one at the time.
Q Did you swear to it before the Notary? A Yes sir, I swore to my statement.
Q Before what Notary? A I don't know what his name was now I thought we were trying this case.
Q I am asking you about some more? A I don't have to answer them.

On Behalf of the Commissioner: Yes, you will have to answer them, you are sworn to tell the truth, the whole truth and nothing but the truth.

- Q Did you swear to it before a Notary? A Yes sir.
Q Do you remember the Notary's name? A No sir.

- Q Do you remember when you made the affidavit in the Mose Riley case,---well was it made before an old man or young man, or do you know? A It was a young fellow but I just couldn't answer that.
- Q Was it made before a man or woman? A I made one affidavit before a woman.
- Q In that case? A I don't know which case it was, there was so many of them.
- Q What woman? A I don't know her name.
- Q You have made so many you don't remember? A He sir, I don't.
- Q You have been in the habit in the last six months of making an affidavit about every one that was asked of you? A No sir.
- Q When did you swear in that affidavit that Mose Riley's father and his family returned to the Cherokee Nation? A I don't remember the day now.
- Q You wouldn't then be willing to testify positively as to the date of their return? A I aint testifying as to Mose Riley's return, it is his father's return.
- Q I say, you would not be willing to testify positive as to when his father returned? A Yes sir, I seen him when he come.
- Q Didn't you say awhile ago to a question above that you were not positive? A I didn't know what question you put to me.
- Q Well are you positive as to the date of his father's return? A Yes sir, to the best of my recollection I am.
- Q That is not the question I asked you, are you positive as to the date of his father's return? A Yes sir, I am positive.
- Q When? A It was along in '66, along in the fall.
- Q To what place did he come? A Come over there to the old Bob Daniels place, on the road.
- Q Have his family with him? A No sir, just himself.
- Q On his way back? A Yes sir, on his way back here.
- Q About what time in the fall was that? A Why it was along the first part of the fall to the best of my memory.
- Q Where did he come to then? A He come on down here to McNair's, they said, I don't know where he come to, down on Spring Creek.
- Q How long was it before you ever saw his family? A It was a good bit.
- Q Two or three years? A No sir, he made a crop, then went back and got his family.
- Q Made a crop the next year? A Yes sir.
- Q In '67? A Yes sir, '67, then went back and got his family.
- Q Did you make an affidavit in the Sam Landrum case and William Todd case? A Yes sir.
- Q Where did you make that one? A Vinita.
- Q Before whom? A Cale Starr made it out.
- Q What Notary swore you? A I went before the Commissioner to the best of my recollection.
- Q Where did you swear that Boney Dan came to, who is the father of Dan Landrum? A To the Lewis Kell place.
- Q Did you put that in the affidavit? A Yes sir.
- Q What year did you say you saw him? A Well that was in the fall after he come back, in the fall of '66.
- Q How long after that before you saw his family? A Why it was when I seen his family, that was in '67.
- Q I will ask you if you didn't sign an affidavit in that case in which you stated, "I know he came to the Cherokee Nation, Indian Territory, with his family and effects and permanently located therein in the fall of the year 1866?" A I don't know, that might have been put in there, but he come here himself, I know he was here and his family come afterwards.
- Q Did you swear that? A I reckon if I swore it I must have sworn it.

- Q Is it true? A Well he come first.
- Q You just swore you never saw his family that year? A It was the next year I saw them.
- Q Are you in the habit of swearing things so miscellaneous as that? A No sir.
- Q Was it true that you saw his family and they permanently located in 1866, with his family here? A Honey Dan was the man I am swearing on.
- Q I am asking you if you swore his family was here and they permanently located here in 1866, you knew whether that was true or not? A The old man is the man I made a statement, I didn't put that in there.
- Q Then that is not true that which is in this affidavit, a copy of which you have heard read, made on the 25th day of May, 1906, in the Sam Landrum case? A It is true that Sam Landrum's father was here.
- Q How about his family? A I don't know about it.
- Q And was he at Lewis Kell's? A The old man was the one that I swore about.
- Q You didn't see his family in 1866? A No sir, I didn't see his family.
- Q Where did you first see him? A The first place I saw him he come down there on the river on the old Dr. Thompson place.
- Q Did you just now swear that it was at Lewis Kell's? A Yes sir, there is where he was but I saw him again down there at the Dr. Thompson place.
- Q But you had done seen him there at the Kell place? A Yes sir.
- Q Working in a blacksmith shop? A He wasn't at work but he was there.
- Q Have you made an affidavit in the James Neal Vann case? A Yes sir.
- Q Before whom did you make that affidavit and for whom? A Made it for Cale Starr, he wrote it out.
- Q When did you first see James Neal Vann after the war? A The first time I saw him was down on Lynch Prairie in Saline District.
- Q How long after the war was that? A It wasn't so long.
- Q Two or three years? A No sir, it wasn't no two or three years.
- Q Well what year was it? A It was in '66, long in the fall.
- Q What time of the year of 1866? A Along about the latter part of the fall.
- Q Who did you see him with? A With a lot of other boys around there.
- Q You don't know who he come with? A No sir.
- Q But you just only knew you saw him down there? A Yes sir.
- Q And you saw him there in the fall of '66? A Yes sir.
- Q Now that is the truth is it? A Yes sir.
- Q Now you made an affidavit the first day of August, 1906, before Thomas J. Farrar, U. S. Commissioner, a copy of which I hold in my hand and in which you stated as follows: "Sometime in the spring of 1866 the applicant, James N. Vann returned to the Cherokee Nation from Kansas with his old man Jess Vann, Gilbert Vann, Zeke Eaton, Katie Vann and George Magrove." Now you state that you never saw him until late in the fall and that you saw him down in Saline District, and that you don't know who he come with? I will ask you which statement is true, the one you made before Commissioner Farrar or the one you are making here before the Commissioner today? A I haven't got any more answers.

On Behalf of the Commissioner: Answer his questions.

A I wasn't subpoenaed here in that case.

ON BEHALF OF THE COMMISSIONER:

Q Do you know which of your statements are true? A (No response).
Q Do you refuse to answer? A No sir, I don't refuse to answer. I recall my first answer because I spoke before I was thinking what I said. The statement what I signed there is true. I recall this answer I made today that it was in the fall of '66.

BY MR. HASTINGS:

Q Do you know now who he came back with? A With them folks.
Q Now who were they? A Well it was Tom Eaton's brother.
Q Did he come back in the fall or spring? A Come back in the spring because they come by the old Daniels' place there and stopped and eat dinner.
Q Why didn't you swear that awhile ago? A Because I was just thinking about it. Because I will tell you I don't want to come so far from my home and make any false statements, but of course whenever you smart men get hold of anybody and they speak things before they think.
Q Did you make an affidavit in the Jennie or Harby Martin case?
A I made one for Uncle Nels Martin case.
Q A to when Nels Martin returned? A Yes sir.
Q Before whom was that made? A I don't remember now Mr. Hastings.
Q How come you to make all these affidavits here in the last six months. At whose suggestion have they been made? A Why the applicants ask me what I know about their folks.
Q Where did Nels Martin return to after the war? A Come down on Lynch Prairie.
Q To what old place? A I don't know just exactly what place he come to, just when he got in there but the first time I seen him was at that old Spring Frog School House one Sunday to Church.
Q About how old were you when you saw him? A About 14 or 15 or 13.
Q Might have been as much as 15 or 16? A No sir, I wasn't that old.
Q Were you as old as 14? A I was 13, it was in the fall of '66.
Q All of this happened in the fall of '66? A Yes sir, we went down there to meeting one time.
Q Did you see his family? A No sir, I didn't see his family.
Q How long after that before you saw his family? A Oh, I seen him, it was quite awhile before I seen his family.
Q Well about how long? A I reckon it was two or three months, or 3 or 4 months.
Q Did you see his family that year? A Yes sir.
Q Where? A Down there in that country.
Q On what place? A I forget the name of the place down there.
Q Don't recollect it now do you? A It seems like it was a place George Clark used to own but I forget the name of it.
Q Did he have any children at that time? A Yes sir, he had some children.
Q Was it then before or after Christmas that you saw the family?
A It was along before Christmas.
Q You don't know a thing about it, it is all guess work with you, aint it? A I get my memory bothered sometimes, I never told that.
Q Did you make an affidavit in the Bertie Martin case? A I made an affidavit that I seen her mother when her mother come.
Q What was her mother's name? A Her name was. I will tell you directly, I never saw her but a few times. That is when she come up to her father's.
Q Was that the first time you saw her? A No sir, I seen her down to Gibson when they were down there in the fall of '66. We went down there in the winter or fall like of '66 and we stayed down there all that winter and in the spring of '66 and I saw her.

- Q You never saw her from the spring of 1866 until she went up to her father's? A No sir, that was in '70.
- Q Do you know what her mother's name was? A Her mother went by two names.
- Q What name did you swear she went by in that affidavit? A Rose as well as I remember.
- Q That was the mother of Gertie? A No, that was Gertie's grandmother.
- Q What was Gertie's mother's name? A Phyllis.
- Q Phyllis what? A I don't know what her other name was.
- Q Did you ever make an affidavit in the Elias Downing case? A Yes sir, I think I did.
- Q How is it you never testified as a standing witness in any of these freedmen cases until within the last six months? A None of them never asked me to.
- Q Were you living right in the community with them? A Yes sir.
- Q When did you first see Elias Downing after the war? A The first time I seen him he come up there in the summer of '66. We were living on the old Bob Daniels place.
- Q He come to the old Bob Daniels place? A Yes sir, come in that neighborhood, his father lived right there on the hill and it was in the fall. The latter part of the summer or fall Elias come because his father lived on the Bob Daniels place that spring and he bought another little place down on the river and Elias went down there.
- Q How long did he stay there? A He stayed there until he got scared and run off and went back to Texas.
- Q How long was that? A It was a good long while, stayed there until in '67 I think it was.
- Q What time in 1867? A To the best of my recollection it seems to me it was in the fall of '67 Mr. Hastings, I think now. That was the time he run off and went to Texas, got into a little whiskey scrape.
- Q How long was he gone to Texas? A Three or four or five years, I don't know how long he was gone. He was gone quite a bit and when he come back he had a family.
- Q What year did the war close? A Closed in about '63 I reckon.
- Q Now how many years after the war before you saw Charity? A '65 or '66.
- Q I never asked you what year, of course you would say '66, I am asking you how many years after the war closed? A It was a little over two years, being in '66, lets see.
- Q I am not asking you if it was '66. You think now,---answer the number of years it was? A Why it was two years and a little over, 8 or 9 months, maybe 10.
- Q After the war? A Yes sir, it was in '66.
- Q Now lets return to the Sam Landrum case, you made an affidavit before the Clerk in that case, didn't you, Clerk Davidson or his brother, E. B. Davidson? A No sir, I didn't go before him.
- Q You know Clerk Davidson's brother E. B. Davidson? A I have seen him.
- Q You never went before him? A Yes sir, I went before a Clerk.
- Q Did you make an affidavit in the Sam Landrum case before E. B. Davidson, Deputy Clerk, at Vinita? A The affidavit was made out and just took me in there and he swore me.
- Q You testified awhile ago that you saw Boney Sam Landrum at the Kell place first didn't you? A That is what I stated, but you have got me bother up.
- Q You can't tell about these cases unless you are refreshed just before you come in in each individual case, can you? A I don't understand what you are trying to do Mr. Hastings.

- Q I am asking you now, when you said awhile ago when you first saw Boney Dan Landrum and where after the war? A Well I cannot answer that.
- Q When did you see Boney Dan's family after the war, can you answer that? A No sir, I can't answer that.

BY MR. REDSOX:

- Q Now Nelson when did you first see Charity Landrum after the war? A Why it was in '66, right at home.
- Q When did you come back to this country? A In the fall of '66.
- Q Now why do you know that it was in '66? A Because it was the next year after we came from Kansas.
- Q Did you have to get here within a certain time? A That is what they said.
- Q You are satisfied that Charity came here within that time?

Mr. Hastings: Objected to because he is only asking for an opinion.

On Behalf of the Commissioner: The objection will be noted.

- A I know she came here.
- Q Within the limits of the Treaty? A Yes sir, come right there and lived with us until spring, I knew that.
- Q And what is your best knowledge in regard to where she stayed and made her home afterwards? A She just made her home in the Cherokee nation all her life.
- Q Live and die here? A Lived and died here and buried here.

BY MR. HASTINGS:

- Q How do you know she was buried here? A They said she was.
- Q You never saw it? A No sir, that is what they said.
- Q You are willing to testify anything what they said, didn't you testify awhile ago she might have gone to Kansas? A She didn't stay long in Kansas if she went.
- Q Didn't you testify she went up there? A I said she might have gone up there.
- Q Then if John Landrum swears he brought her back, is that true? A I don't know nothing about that.

BY MR. REDSOX:

- Q When these people came back after the war there was nothing here to subsist on? A No sir.
- Q They had to go some place to get something to live on? A Yes sir.
- Q She might have been gone to Kansas and stayed a little while and then come back? A If she went she stayed a mighty little while.
- Q How do you get the impression that she was,--that her parents were the slaves of Cherokee citizens in the Cherokee Nation?

Mr. Hastings: Objected to as being irrelevant and immaterial, the question is as to Charity Landrum, the mother of these applicants.

On Behalf of the Commissioner: The objection will be noted.

- Q How did you all get information that a person was a slave?

Mr. Hastings: Objected to as being irrelevant for the reason that this witness testified already under oath that he didn't know Charity Landrum, the mother of these applicants before the war and had never seen her until after the war.

On Behalf of the Commissioner: The objection will be noted.

- Q You knew Charity's father and mother? A Yes sir.
Q You knew them to be slaves? A Yes sir, they belonged to, Dave Landrum,--Uncle George used to drive his teams.
Q How did you know Charity to be their child? A Because I heard her call them mother and father.
Q All lived in the same family? A Yes sir.

BY MR. HASTINGS:

- Q That was after the war? A Yes sir.

W I T N E S S E X C U S E D .

HANNAH THOMAS, being first duly sworn by John E. Tidwell, a Notary Public, testified as follows:

BY MR. WIEDSOE:

- Q What is your name? A Hannah Thomas.
Q How old are you? A I guess I am 54 years old.
Q Where do you live? A I live on the Dirty.
Q What is your postoffice? A Keifton.
Q Cherokee Nation? A Yes sir.
Q Did you know Charity Landrum? A Yes sir, she was my sister.
Q Who did she afterwards marry? A She married a man by the name of Jim Alberty.
Q Do you know where she was living when she died? A No sir, I don't know just exactly where she was living, I never was to her house after she married him.
Q Were you a slave? A Yes sir.
Q Of a Cherokee citizen? A Yes sir.
Q To whom did you belong? A Aaron Landrum.
Q Who was the woman? A Easter Landrum.
Q Did Charity belong to the same man and woman? A Yes sir.
Q Did Charity go out of the Nation during the war? A During the war we all got separated, sister Charity went south and we went north.
Q When did you first see Charity after the war? A It was right away after the war. When peace was declared she went to Kansas where I was, me and my grand-mother. My father when he come from Kansas he left some of us up there, couldn't bring us all and when he went back after us Sister Charity went back up there on the wagons to see my grand mother.
Q When was that? A That was in '66 I guess.
Q How long did Charity stay up there that time in Kansas? A She never stayed there long.
Q About how long? A Two or three weeks.
Q Where did she go then? A Come back to the Nation.
Q Did she stay here in the Cherokee Nation then after that time? A Yes sir.
Q Whereabouts in the Cherokee Nation? A When I left she was at home.
Q Where was that? A On Grand River.
Q Near what place? A On Lynch Prarie.
Q Did you see Charity any more after that? A I haven't seen her since I left home, I haven't seen her since she married this last man she did.
Q Did you see her off and on before that time? A All the time we were at home together.
Q Where was that? A My father George Landrum.
Q And he lived here in the Cherokee Nation? A Yes sir.
Q And what was his name? A George Landrum.
Q What was your mother's name? A Paggie.

BY MR. HASTINGS:

- Q Aunty, what year is this? A Well this is 1906 so I am told, I looked when I went home and looked at the Almanac and seen it was 1906.
- Q The other day after you were a witness here? A I was bothered and I didn't know whether it was 1906 or 1902. I says to my daughter I was far off of it wasn't I.
- Q What year was the Kern-Clifton payment made, when that big roll was made? A What was that called, the '80 roll.
- Q I am not giving you the year, but what year was that made? A I don't know.
- Q Well this last roll when all the freedmen get that big payment, what year was that. Do you know one year from another? A I just disremember what year that was, that Kern-Clifton,---
- Q What year were you born? A I don't know.
- Q How old were you when the war come up? A My father said I was 8 years old.
- Q What year did the war close? A I don't know what year it was. I know they fit three years, I think it was. The war went on three years.
- Q What year were you married? A I was married in '74. Yes sir, I can remember that.
- Q Is that the only date you remember? A I kept a record of that. Well now there is one things I can pretty well recollect and there are lots of things I can't, because I never kept them in my mind.
- Q You say you and your Sister Charity separated during the war?
- A Yes sir.
- Q And you saw her in Kansas after the war? A Yes sir.
- Q And you left her up there and come down here? A No sir, she come back before I did.
- Q With Jack, or your brother John? A I don't just remember whether it was brother Jack, she was living with a man named Jack Buffington and I think that was the man she come back with.
- Q She was living up there with Jack Buffington? A She wasn't living up there, just went in after the rest of my father's things. After I come back home from Kansas, after my father sent for my sister Charity was at my father's house.
- Q How long did she stay there before she went up in Kansas? A When she come from the south she come and found her father, my father, there, George Landrum.
- Q Where were you then? A I was left in Kansas. My father couldn't bring us all when he come, he left a load or more and some of his things and left me with my grandmother and said as soon as I can send back after you all I will send after you, and when he sent back after us Sister Charity went on the wagons to Kansas.
- Q But you don't know how long she had been here because you hadn't seen her until you ~~met~~ met her up there in Kansas? A That was the first time.
- Q Then you come back with the wagons and left your sister Charity up there with Jack Buffington in Kansas? A No sir.
- Q Did she return in the wagon? A No sir, she just come back.
- Q Did Jack Buffington come back with her? A Jack Buffington come back.
- Q Did she continue to remain there then? A She stayed with my father until I left father's.
- Q How long was that? A How long that has been?
- Q Up until the time you married? A Yes sir.
- Q Up until 1874 continually? A Yes sir.
- Q Now Hannah John Landrum makes an affidavit before Mr. Bledsoe, the Attorney for these applicants, on the 22nd day of September, 1905, in which he states: "I had a sister Charity Landrum, who

belonged to the same Cherokees and went south at the beginning of the war into the Choctaw Nation, but returned to the Cherokee Nation in '65 or '66 and my sister came back with them and came on up into Kansas with Lewis Rowe to where I was and came back to the Cherokee Nation with us, etc." Is it true she came back here with your brother John or Jack, who is the same person?

A There was a whole lot of them come. I guess she was telling you the truth about it. You see there was so many of them come, just come back to the Cherokee Nation by bunches.

Q Then it isn't true she came back in the wagon with you? A Come back in the wagon with me? Did I say she come in the wagon with me? I say she came back after she got up there.

Q But she didn't come back with you? A No sir.

Q You come on ahead of her? A We didn't all come back together. We had to come just as we could come back.

Q Who did you come back with? A I come back with my Sister Sealey.

Q Who did Charity come back with from Kansas? A She come back in the wagons that my father had sent up there after the rest of his things.

Q But you didn't come back in that wagon? A No sir, I don't remember of coming back in that same wagon.

Q Do you know Mary Landrum, Jack Landrum's wife? A Yes sir, I know her, my sister-in-law.

Q She testified before Mr. Bledsoe, the Attorney of record in this case in this affidavit on the 22nd of September, 1905, that Charity went to Kansas and came back to the Cherokee Nation with her? She is Jack Landrum's wife? A Yes, as I told you I can't remember all of them that come. You see I was just a child; he had me hired out to the white folks and I don't know exactly who all of them come together.

Q Now what I am trying to get at with whom Charity returned from the State of Kansas? If she returned with John Landrum your brother, and his wife Mary? A I guess she did, if brother Jack says so, because we were not always living together.

Q I want you to answer if you know with whom she come? A I know only that I told you awhile ago, she was with Jack Buffington that was her husband then.

Q Do you know whether John Landrum, your brother and his wife, Mary, brought your sister Charity back here with them from the State of Kansas, when she first come from Kansas after the war? A They come back from Kansas after the war. I wouldn't dispute my brother Jack, if he says they all come, I will tell you as far as I know about it. There was so many of them come at the time.

Q Now I am not asking you whether you are going to dispute your brother or not, I am going to ask you what the truth is about it? Is that the truth or not the truth? A It must be.

Q Do you know that it is the truth? A I am telling you as far as I know about it. I told you I don't know how many wagons come because they were all coming as soon as they could come.

Q How many years was it after the war? A It wasn't a year, peace hadn't been declared long. It was dangerous times.

Q Now the truth is you didn't know one year from another, did you,--you had been a slave? A Yes sir, I was a slave and didn't have no education.

Q You couldn't read nor write then? A I can't read nor write yet.

Q Who was you hired to in the State of Kansas just before you come down here? A I lived with a white woman named Mary Brindles.

Q Near what town? A Near Neosho Falls.

Q Lived right in the town? A Yes sir.

Q Did she have any children? A Yes sir, had two children.

Q What were their names? A Charlie and Carrie.

Q Do you know whether they are living or not? A No sir, I don't.

- Q Whose place did your father live on up there? A I can't remember what the man's name was.
- Q Whose place did your brother John or Jack live on? A I don't remember.
- Q Did he live in town or out in the country? A He lived out in the country because they were on a farm.
- Q Did you know any family up there named Lynn? A No sir.
- Q Moore? A No sir.
- Q Well the truth now is you are not certain ~~that~~ with whom your Sister Charity returned from Kansas? A I couldn't remember them all.
- Q But you think she come back with your brother John? A She came the same time. I don't know.

ON BEHALF OF THE COMMISSIONER:

- Q Who is it you say owned Charity? A Aaron Landrum.
- Q What was his wife's name? A Easter.
- Q Did they own you? A Yes sir.
- Q Were they both Cherokees by blood? A They were.
- Q Where did they live when the war broke out? A Up here close to, on Verdigris close to Vinita.
- Q In the Cherokee Nation? A Yes sir.
- Q Charity live there with them? A Yes sir, all lived there together.

BY MR. BLEDSOE:

- Q Do you know when you returned to the Cherokee Nation, what year it was? A I don't remember what year it was.
- Q Did anybody come up thereto warn you all when to come back? A No sir, I don't remember whether they did or not.
- Q How long after the war was it that you come back? A Well it was about a year I guess after the war.
- Q How did you know that it was 1866? A I heard them say it was '66.

BY MR. HASTINGS:

- Q You have been hearing that ever since, haven't you? A Have been hearing that ever since I was a little child.
- Q What become of Jack Buffington's child by Charity? A It died down on the river.
- Q How long after she come back? A I don't remember just how long.
- Q You said Charity went to see her grandmother? A I said Charity went to see me and grand-mother.
- Q What was her name? A Lucy Muskrat.

Mr. Hastings: The Cherokee Nation requests that the case go over until tomorrow morning at 8:30 A. M. in order that the testimony of a witness subpoenaed from the State of Kansas may be taken. It is now 4:15 P. M. and our understanding is that the witness is to be here, or perhaps two, but missed the train on yesterday.

On Behalf of the Commissioner: Do you object to a continuance Mr. Bledsoe?

Mr. Bledsoe: No sir.

On Behalf of the Commissioner: By agreement the case will be continued until 8:30 A. M. November 9, 1906.

November 9, 1906.

In pursuance of continuance heretofore had in this case, the hour of 8:30 A. M. having arrived, this case was called for further hearing at which time the following proceedings were had:

C. W. LEARNED, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of the Cherokee Nation:

BY MR. HASTINGS:

- Q What is your name? A C. W. Learned.
- Q What is your postoffice? A Neosho Falls, Kansas.
- Q How old are you? A About 51.
- Q How long has your residence been either at Neosho Falls, Kansas, or in the vicinity thereof? A About all my life.
- Q Were you there during and just after the war? A Yes sir.
- Q Did you ever have occasion to know a freedman by the name of John or Jack Landrum? A I knew one called Jack.
- Q Did you know him there? A Yes sir.
- Q Did you know a Jim Landrum? A Yes sir.
- Q What relation was he to Jim? A Brothers I expect.
- Q Is this same Jack or John Landrum,--did you ever see this Jack or John Landrum down here in the Cherokee Nation? A I seen them when I was down here before.
- Q In what case? A When I was down here in the Jim Landrum and Kirkpatrick case.
- Q Was he a witness here at that time, John or Jack Landrum? A I suppose he was, I met him on the stairs. Yes, I guess he was on the stand when I come in.
- Q That is the John or Jack Landrum about whom I am inquiring, and about whom you are testifying is it? A Yes sir.
- Q You talked to him some that day? A Yes sir, I talked to him on the stair here.
- Q Did you recognize him? A At first he was a little bit old, I asked him if he was Jack Landrum and he said he was, and I told him who I was and he said he recollected me.
- Q Did you know him in Kansas? A Yes sir.
- Q When did you know him? A I knew him along in 1868.
- Q Did you get acquainted with him during the war? A I recollect along about 1868.
- Q Did he have a family? A Yes sir.
- Q Did his family live up there? A Yes sir, lived on my Uncle's place.
- Q What was your Uncle's name? A William D. Learned.
- Q As late as 1868? A Yes sir.
- Q Why do you recollect they were living there in 1868? A Because, I had a cousin out to visit me from Illinois and they had a camp meeting there and he wanted to go down and see the camp meeting and Jim was there and he got into trouble with Jim, had a few words with him, I don't know just how it started, but he asked Jim to come outside, he would settle it with him, and Jim told him he didn't want to go out there and get shot, and I told my cousin to come on and let's go home and not raise a disturbance.
- Q Was this Jack there at that time, I mean in the country there?
- A Yes sir, he lived there, it was right by his house.
- Q And he lived on your Uncle's place? A Yes sir.
- Q Do you know whether or not,--did you know Charity Landrum, a sister of John's? A I couldn't swear I knew Charity, I knew his children running around there and a girl there but I don't recollect her name.
- Q How far did you live from there? A It must have been a half mile

BY MR. BLEDSOE:

- Q When did you first see Jack there? A I couldn't say positively when I first saw him there. I seen him off and on several times before this because he had been living there.
- Q Was he farming there or what was he doing? A Working mostly for my father. You see at that time my father's brother wasn't a married man and he lived with us part of the time and afterwards he got married and my father had the management of my Uncle's 160. Jack worked a good deal for us.
- Q Worked by the day or month? A By the day.
- Q Do you know whether he was down in the Territory or not during that time? A I couldn't say, he might have down a few,--several times for all I know but his family was there.
- Q Did they stay there continuously, Jack's family? A Up until they moved to the Nation. They stayed in the neighborhood, of course they didn't stay there all the time.
- Q You don't know then of your own knowledge whether he was down to the Nation or not? A He might have went himself, but didn't move his family down.
- Q When did he leave up there and come to the Nation to remain permanently? A I don't know as I could say just when he left there.
- Q You didn't see him after '68? A Well it was along in '68, it might have been in '69, and he might have left the latter part of '68, but he was there in '68.
- Q Do you recollect of seeing a girl there named Hannah, you stated you didn't recognize any named Charity? A No sir, Jack had a family of his own, there was a girl running around there but I don't know who she was.
- Q You don't then know of your own personal knowledge whether Hannah or Charity was there, anybody except his own family? A Why this girl was there but I don't know whether it was this one or not.
- Q How old was that girl you saw there at that time? A Well she was a small girl.
- Q About how old? A Good size girl though.
- Q Your best judgment, was she 12 or 13 years old? A I don't know, I don't believe she was that old.
- Q Well about how old? A I don't know, I couldn't guess it, she might have been 5 or 6 years old and might have been older.
- Q In fact your recollection in regard to it is very indefinite?
- A Yes sir.

ON BEHALF OF THE COMMISSIONER:

- Q Do you know when Jack or John Landrum left Kansas? A No sir, I couldn't say when he left there with his family.
- Q Do you know whether he was married at that time? A Yes sir.
- Q Do you remember his wife's name? A Used to call her Mary Ellen, she was a yellow woman, a large woman.
- Q Did you know a George Landrum up there? A I had seen him around, the old man around with Jim and Jack but I never had any personal acquaintance with him.
- Q When was the last time you remember seeing George Landrum in Kansas? A Well I don't know as I could say, it was when they were all up there.
- Q About how long after the war? A Well it must have been along in the neighborhood of 1868 or '69, somewhere along there.
- Q Did you know Peggie Landrum? A No sir, I didn't know her, I had heard of her.

WITNESSES EXCUSED.

Mr. Hastings: I desire to offer the testimony of John Landrum taken in the case of Andy Rider, Cherokee Freedman R 200, on November 16, 1906, before the Commissioner to the Five Civilized Tribes in rebuttal of the affidavits filed by John Landrum and his wife, and the statements made by witnesses to the effect that Charity Landrum returned with the said John Landrum. This testimony is introduced for the purpose of showing the date that John Landrum claimed that he returned with his family to the Cherokee Nation, which he states was in 1867.

Mr. Bledsoe: I have no objection to that testimony.

On Behalf of the Commissioner: There being no objection to the filing of the testimony mentioned, a copy of the same will be filed with and made a part of the record in this case.

HANNAH THOMAS RECALLED:

BY MR. HEDSOE:

- Q Hannah, do you know a man named Learned, or did you know C. W. Learned, who lived at Neosho Falls, Kansas,--Charlie Learned?
- A I don't just remember that name.
- Q A man who claims that Jack ~~Landrum~~ lived with his Uncle,--did you know a family named Learned? A It seems to me I remember a family named Learned.
- Q Do you remember of Jack ever working for a family by that name?
- A I don't recollect. What part of the town did he live in?
- Q I don't know? A Did he live in Neosho Falls?
- Q Yes, lived right in the town. Did you know of Jack living with a man named Learned up there or working for him? A I don't remember the man's name that Jack stayed with.
- Q And where his family stayed? A I remember one time my brother Jack lived out in the country from the town, but it was close to a lake, but the man's name that owned the place I disremember.
- Q How do you recollect how long Jack lived there at that place?
- A No sir, I don't remember how long he stayed there.
- Q Do you recollect when Jack left there? A The place Jack lived on wasn't in town, it was out in the country, close to a big lake.
- Q Did you recollect when Jack left there and come to the nation?
- A No sir, I don't remember just when it was.
- Q Had Jack been down to the Nation before he brought his family away from there? A Yes sir, he was all the time going backwards and forwards to the Nation himself, because I remember of several trips he made back. Come down this way and then went back.
- Q Was Charity staying with Jack at the time he lived up there, or do you know? A My brother lived out there but Charity wasn't there.
- Q Was my little girl with Jack while he lived there? A Yes, when I wasn't hired out to the white folks I was staying with brother Jack.
- Q And Charity wasn't staying there with Jack? A No sir.
- Q Where was Charity at that time? A Here in the Nation I guess.
- Q When you were up there working out and living there with your brother Jack? A Yes sir, she hadn't come yet.
- Q Did Charity stay any length of time in Kansas when she was there?
- A She didn't stay long.
- Q About how long a time did Charity stay in Kansas when she was there? A To my remembrance Charity didn't stay there a month. No longer than they rest up the teams she come on back.
- Q Jack and your family were trying to get their families back here to the Nation? A Yes sir, coming back just as they could get back.

BY MR. HASTINGS:

- Q You said yesterday they come back with Jack and his family? A I said if brother Jack said she come with them I don't dispute his word.
- Q You don't dispute it now? A I couldn't tell you what she done.
- Q Well if Jack swears before the Commission himself on the 16th day of November, 1906, that he brought his family back in 1867, are you prepared to dispute that? A I don't know, I want dispute that. Of course I don't know whether it was 1867, I don't know nothing about them figures and years as I told you in the first place.

ON BEHALF OF THE COMMISSIONER:

- Q Do you know who Charity did come back with from Kansas? The first time she came from Kansas? A I don't remember exactly who she come with only I said she went with that man Jack Buffington, and I think she lived with him, but who all come with them, I couldn't tell you because I don't know,--I don't recollect.
- Q Do you know whether or not Jack Buffington, when he come down to the Nation, came before or after Jack Landrum did, or at the same time? A I don't recollect, I don't remember that. I don't know whether it was after or before.
- Q Well you stated I believe that you came down when Jack Landrum did? A No sir.
- Q Did you come before or after Jack Landrum? A I come I guess afterwards. I said I come with my sister Sealey.
- Q Do you remember when Jack Landrum came down? A No sir, I don't recollect exactly when brother Jack come, because after I come from Kansas I stayed at home with my father awhile, and after I was grown I come to Gibson and lived there and there is where I was married.
- Q As I understand it now then you don't know when Jack Landrum came or don't know when Jack Buffington came? A I was in Kansas when Jack Buffington and sister Charity were up there.
- Q Do you know whether they left there before you did? A They must have left there before I did I guess.
- Q I don't want you to guess about it, I want you to just take your time and see if you can get it fixed, whether you came to the Nation first or Jack Buffington came first? A I told you they come before I did because when I come from Kansas with my sister Sealey, sister Charity was at home with my father, and she must have come before I did.
- Q Now did Jack Landrum come before Jack Buffington came? A I told you I don't recollect, I don't know who all was in the crowd that they come in. Brother Jack may have come, there were several wagons.
- Q Do you know whether they come at the same time? A They all left about the same time, as quick as they could get here.
- Q Do you know whether Jack Landrum and his family and Jack Buffington, and those who came with him, came at the same time?
- A You done asked me two or three times.
- Q Well I knew, do you know whether they come the same time? A I told you yesterday and today I couldn't tell you all who come together.
- Q Do you know whether Jack Landrum and Jack Buffington came the same time? A I don't know whether they come at the same time or not. There were lots of them leaving there, they were leaving Kansas just as fast as they could get away.

By Mr. Bixby, Commissioner: Satisfactory reasons being shown that Nellie Landrum, one of the witnesses whose testimony it has been advised was to be introduced in this case, is physically unable to appear in person at the Office of the Commissioner, at the request of the representative of applicants, the testimony of said Nellie Landrum will be taken at her residence near Vinita, Indian Territory, on this day.

In pursuance of above continuance the following proceedings were had in this case at the residence of the witness, Nellie Landrum, five miles southeast of Vinita, Indian Territory, this day, November 9, 1906:

NELLIE LANDRUM, being first duly sworn by George H. Lessley, a Notary Public for the Northern District, Indian Territory, testified as follows:

BY MR. HINDSON:

- Q What is your name? A Nellie Landrum.
- Q How old are you Mrs. Landrum? A Just about 70, that is what I give in.
- Q You are a Cherokee by blood? A Yes sir.
- Q About how much Cherokee blood have you? A I guess about a half, we call it a half.
- Q How long have you lived here Mrs. Landrum? A At this place?
- Q Yes? A Well I moved here in '70 I believe.
- Q You have been living in this neighborhood ever since about 1866?
- A Yes sir.
- Q Where did you live before the war? A Seven miles this side of Maxville.
- Q Did you know some colored people named George and Peggie Landrum?
- Q Yes sir, I knowed Uncle George Landrum, belonged to Uncle Dave Landrum.
- Q Do you know what children they had? A Well I don't remember only the oldest ones, these girls here live in town, Chlera and Sealey, I believe and Jack.
- Q Any others? A Charity and Sophia.
- Q Did they have one named Hannah? A Yes sir, Hannah too.
- Q They were slaves of Cherokee citizens at the commencement of the war? A Yes sir, they belonged to Aaron Landrum, or his wife Master.
- Q Did Charity go out during the war? A I couldn't tell you that, they were here when we moved back in '66.
- Q You saw them here in the Cherokee Nation in 1866? A I saw them at Fort Gibson when we passed. That was the only time and after that I don't know whereabouts they were. We were passing through therek along the road and they were all at a house and they yelled at us else we would not have noticed them. Called us by our names and we just drove on, we didn't stop, we just answered them.
- Q Did you see Charity any more after that? A No sir, I never seen her any more.

BY MR. HASTINGS:

- Q Well you moved on up here on Cabin Creek, did you? A Yes sir, I moved over here to Mr. Buffington's old place.

- Q How far is that from Grand River? A I expect it is about 12 miles from Grand River.
- Q And how far do you now live from Grand River? A I guess it is about 10 miles from here to the nearest part.
- Q You live on Sabin Creek? A Yes sir.
- Q Then you never did see them up in this section of the country? A No sir, never saw them up here.
- Q Did you ever know a colored man named Jack Buffington? A No sir.
- Q You didn't see George Landrum at Fort Gibson, the old man? A No sir.
- Q You just saw some girls? A Yes sir, well the old man was ~~dead~~ then. Old man George had died before that.
- Q Do you know whether Peggie had died before that? A Well I think she had.
- Q Now do you know whether or not this Charity afterwards went on up to Neosho Falls, Kansas? A No sir, I don't.
- Q You don't know about that? A No sir.
- Q You don't know how long they stayed at Fort Gibson? A No sir, I don't.
- Q You only saw them as you were passing through? A That is the only time I saw them, when I was coming through.
- Q You don't know, of course, how long they had been there and how long they stayed there? A No sir.
- Q You just saw them the one time? A Yes sir, the one time.
- Q And you afterwards have since lived here in the vicinity of Cabin Creek between where Vinita now is and Grand River and you have never seen her since that time you saw her at Fort Gibson? A No sir, never have.
- Q Did you ever see George Landrum since then? No sir. The old man?
- Q Yes? A I saw him then.
- Q I believe you said you didn't see him then? A No sir.
- Q You didn't see him then and haven't seen him since, this George Landrum, the old man? A Well there was another George, his son, maybe it was him. I don't know where he went.
- Q Well I am talking about Charity's father, you never saw him? A Yes sir, old George Landrum.
- Q You never saw him at Fort Gibson? A No sir, I never seen him.
- Q I thought you said he was dead then and you never saw him? A Yes sir, I thought he was dead but I remember he was alive when they had the small pox down here.
- Q That was about 1883? A Yes sir, I guess it was.
- Q You never saw him until about 1883? A No sir, they were living here on the River somewhere, that was the first time I guess he ever come around.

BY MR. BLEDSOE:

- Q Who was in that crowd of girls when you saw them at Fort Gibson? A I don't remember, there was several standing there, we were in a hurry, there was 4 or 5 were standing there and when they spoke, I guess they were all of the same family.

ON BEHALF OF THE COMMISSIONER:

- Q Did you see Charity at that time and recognize her? A No sir, I didn't recognize her,--said they were all standing there, we were just passing, never stopped long enough to see who all was there.
- Q Can you state whether or not Charity was in the crowd there? A I guess she was, they were all there.

BY MR. HASTINGS:

Was Chlora Foreman? A Yes sir.

Q She told you they were all there? A She said, we were all standing there when we passed.

ON BEHALF OF THE COMMISSIONER:

Q Do you know who all were in the crowd? A Well I know three, we just spoke.

Q Which three were they? A Them two oldest ones, Chlora and Sealey.

Q And Charity? A Yes sir.

Q Do you know where Peggie was at that time? A No sir, I don't.

Q Do you know whether or not she was living? A No sir.

Q Now was Peggie the slave of a Cherokee? A Yes sir, she belonged to Aaron Landrum, or rather his wife.

Q Did you ever see Peggie after the war? A No sir, I never seen her.

BY MR. HASTINGS:

Q As I now understand you, you come through Fort Gibson in 1866 and you saw Chlora Foreman and Sealey and some other colored people and you never positively identified Charity, but Chlora Foreman, her sister, has since told you you Charity was among them? A Yes sir, she said they were all standing there.

Q You were just driving through and paid no attention? A Yes sir, we were just passing by.

Q You didn't identify Charity but you did Chlora and Sealey? A Yes sir, I didn't identify them, they were several standing there on the porch.

Q But Chlora has since told you Charity was among them? A Yes sir.

Q When did Chlora tell you that? A She told me here when her and Mr. Starr come out here.

Q That was the first time you knew Charity was there? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

Q Was that less than a year ago? A Sometime last summer or last spring.

Q You never had any conversation with them at the time you saw them in 1866? A No sir.

W I T N E S S E X C U S E D .

Attorneys for applicants and the Cherokee Nation announce that they have no further evidence to introduce in this case, the same will be closed and a decision rendered on the evidence heretofore introduced.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lessley

Subscribed and sworn to before me this 23rd day of November, 1906.

John E. Tidwell
Notary Public.

To be filed in Cherokee F. R/ 707 and 708.

Cherokee Freedman R 200.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., NOVEMBER 16, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ANDY RIDER as a Cherokee freedman.

APPEARANCES:

For Applicant, J. J. Bulger appears on behalf of William Henry White, Attorney for applicant.
For Cherokee Nation, J. S. Davenport.

JOHN LANDRUM, being first duly sworn, testified as follows:

BY MR. BULGER:

- Q What is your name? A John Landrum, they call me Jack.
Q Where do you reside? A I reside on Lightning Creek.
Q What is your postoffice? A Hayden.
Q What is your age? A I am about 64.
Q Are you a Cherokee freedman? A Yes sir.
Q Are you identified upon any of the Cherokee rolls as a freedman?
A Yes sir.
Q What rolls? A 1860 and the authenticated '60.
Q How long have you lived on Lightning Creek? A I have been there I guess about 40 years as near as I can remember.
Q When did you go to Lightning Creek? What was the first time after the war? A I went there in '66.
Q What time of the year in 1866? A In the fall, the latter part of the fall.
Q Did you remain there for sometime afterwards? A No sir, not exactly, just went backwards and forth but I had a place there.
A claim there.
Q Did you see or meet a woman on Lightning Creek in the fall of 1866 by the name of Mariah Hayden? A I did for a fact.
Q Was there any one with her? A Yes sir.
Q Who were they? A Her daughter and a young man they called Whitney Reed and another one.
Q What was this daughter's name? A Sarah.
Q What is her present name? A Buckner.
Q Was Andy Rider with Mrs. Hayden at that time? A Yes sir, a little kid, small, just a boy like.
Q Where did they live, or did they live on Lightning Creek that winter? A Yes sir, they stayed there.
Q Who stayed there? A Mrs. Hayden.
Q Did they make any improvements on Lightning Creek? A Yes sir.
Q Do you know whether or not Andy Rider remained in that vicinity continuously after that date? A Yes sir, he did, and that is the God's truth, no lie, if I am telling the truth I am telling it, that is right.
Q Has Andy Rider lived in the Nation continuously since that date?
A No has.

BY MR. DAVENPORT:

- Q You say Andy has lived continuously in the Cherokee Nation since that date? A It was in '66 when he came there and he remained there.

- Q What time in 1866? A Well in the fall of the year.
- Q In the fall of the year? A They came there, yes it was.
- Q Where were you in the fall of 1866? A I was there on Lightning Creek.
- Q What part of Lightning Creek? A What is near the Hayden settlement now.
- Q Were you keeping house there then? A Yes sir, of course I was.
- Q Had a house built? A Had a little house, a little old log house.
- Q Did you have your family with you? A Yes sir, at that time.
- Q Did you have your family with you? A I carried my family then.
- Q Then you and your family in the fall of 1866 were living on Lightning Creek in a house were you? A Now you ask me a question, you ask me a civil question and I will answer. I had a place ~~the~~ there at mind you, I made me a place at that time, my family wasn't there at that time.
- Q Did you bring your family with you to the Cherokee Nation in 1866? A No sir.
- Q Your family lived in or near Neesho Falls, Kansas, for several years after that time? A When I moved my family it was in '67 but I was here first.
- Q Didn't your family live in Neesho Falls, Kansas, as late as 1868?
- A No sir, that is the truth.
- Q Had you ever known this applicant before the war? A Well I saw him once. No I will tell you the truth I don't think I did.
- Q Had you known his mother before the war? A Yes sir, I had seen her.
- Q Who was she living with when you saw her? A One of the Cook's.
- Q Where was Cook living? A I don't know just exactly where he was living, just a man here and there, one of them wild men didn't have no certain place.
- Q Where was he when you saw her with him in the Cherokee Nation?
- A I don't know sir where Cook was.
- Q Now I want to know if you ever in your life saw the mother of this applicant, Andy Rider before the war? A Yes sir, I am telling you I did.
- Q Now I want to know where in the Cherokee Nation you saw her or where was it you saw her? A There at Tahlequah.
- Q At whose place at Tahlequah was she? A At Ben Sanders.
- Q Then you didn't see her at Cook's place as you testified awhile ago? A No sir, I didn't see her because Cook didn't have no place just rambling around here and there at that time.
- Q Did you ever see his father before the war? A No sir, I don't know nothing about his father.
- Q Were you acquainted with him mother? A Nothing in particular, just seen her, I wasn't acquainted with her.
- Q How did you know that she is now--what is claimed to be the mother of this applicant? A Just seed the people what know.
- Q I am asking you of your own knowledge? A I am telling you what I know.
- Q You don't know then of your own knowledge that you have seen the mother of this applicant? A I seed the mother, so said it was his mother.
- Q Was the applicant with the mother at the time you saw her? A No sir, I tell you not.
- Q Then you don't know anything about who is mother was do you?
- QA No sir, not just in particular but I am satisfied it was his mother.
- Q You saw the applicant come back to the Cherokee Nation with whom?
- A With Mrs. Hayden, Mariah Hayden.
- Q And he didn't come to the Cherokee Nation until she came? A She brought him here on Lightning Creek.
- Q So far as you know the applicant never returned to the Cherokee Nation after the war until Mariah Hayden brought him here? A Not to my knowledge.

- Q You don't know what year that was? A It was in '66 I told you.
- Q Why do you know it was 1866? A Because I have got a right to, my mind tells me it has been about 39 years ago.
- Q When did you make up your mind it has been 39 years ago? A I had it all the time just like you.
- Q You talked it over today and it has been 39 years ago? A Just about that long.
- Q How long has it been since the Wallace payment? A I can't tell you just exactly, not the date.
- Q Can you tell me the year? A I tell you Mr. you must have a little sympathy for me cause I am a man raised up almost heedless, didn't have the chance to have the knowledge.
- Q You show a decided knowledge of 1866, now I am asking you what year it was the Wallace roll was made? A I don't know just exactly what year it was.
- Q What year was the Kern-Clifton roll made? A It must have been in '90--'90' somewhere along there I can't tell you just exactly. Mr. Davenport don't try to make me lie and then laugh at me.
- Q What year did the Dawes Commission commence to make the freedman roll they are now making? A That has been about two years ago, I know that.
- Q It has been more than four years ago, hasn't it Uncle Jack? A It hasn't been that long.
- Q Don't you know that it is a fact that this Commission began making the freedman roll April 1, 1901, four years ago last April? A Four years ago, just listen at that.
- Q Answer me yes or no? A I don't think it was.
- Q What year did you move your family from Neosho Falls, Kansas, to the Cherokee Nation? A Didn't I tell you once.
- Q You can answer the question? A I told you once, I told you I moved my family in '67.
- Q What did the applicant do here the first year or two after he came down to the Cherokee Nation? A He wasn't big enough to do much, just a little piddling around.
- Q Who did he live with? A Backwards and forth with Lewis and sometimes with me.
- Q Where were you living on Lightning Creek before he lived with you? A In the neighborhood on Lightning Creek.
- Q He didn't live with Mariah Hayden? A No sir.
- Q What did he do when he was living with you? A He would do little chores around, drive up the cows.

W I T N E S S E X C U S E D .

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, and that the above and foregoing is a true and correct copy of the original thereof, the same being the testimony of John Landrum taken at Muskogee, Indian Territory, November 16, 1905, in the matter of the application for the enrollment of Andy Rider as a Cherokee Freedman, C. F. R. 200.

Subscribed and sworn to before me this 23rd day of November, 1905.

Geo. H. Lessley
B. P. Rasmus
Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

4763

In the matter of the application for the enrollment of
Alexander Alberty, et al., as Cherokee Freedmen, consolidating the
applications for the enrollment of:

Alexander Alberty.....Cherokee Freedman R 707 (D 287)
Joanna Cook.....Cherokee Freedman R 708 (D 228)

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Alexander Alberty for himself and wife, Lizzie Alberty, the application for the enrollment of the said Lizzie Alberty has heretofore been disposed of and her right to enrollment will not be considered in this decision, and by Joanna Cook for herself. The records further show that on March 5, 1904, the Commission to the Five Civilized Tribes consolidated the applications for the enrollment of Jim Alberty, et al., Cherokee freedmen D 287, now R 567, James Alberty, Sr., Cherokee freedman D 328, now R 578, Alexander Alberty, Cherokee freedman D 744, now R 707, and Joanna Cook, Cherokee freedman D 745, now R 708, and rendered its decision herein, denying all the applicants the right to enrollment as Cherokee freedmen, and that said decision was duly forwarded the Department for review and decision. Thereafter on January 26, 1905 (I.T.D. 6050-04), 9687-04, 9871-04), the Department "owing to the unsatisfactory condition of the record" returned said case to this office with instructions to secure, if possible, "positive and satisfactory evidence upon which the Department would be justified in rendering a decision". Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, March 9, 1905. The records further show that on May 18, 1905, the Commission to the Five Civilized Tribes again rendered its decision herein, denying all of said applicants the right to enrollment as Cherokee freedmen, which decision was on August 5, 1905 (I.T.D. 7576-05) duly approved by the Department. Thereafter on September 2, 1906 (I.T.D. 13524-06), a motion to reopen said case insofar as it denied the applications for the enrollment of Alexander Alberty and Joanna Cook as Cherokee freedmen, for the purpose of giving said applicants an opportunity to establish their right to enrollment as Cherokee freedmen, as descendants of their mother, one Charity Alberty, having been filed

with the Department, the Department rescinded its decision of August 5, 1905, insofar as it affected the applicants, Alexander Alberty and Joanna Cook, and returned their case to this office for further hearing and readjudication. Further proceedings in the matter of said applications were had before the Commissioner to the Five Civilized Tribes at Muskogee and Vinita, Indian Territory, on November 8 and 9, 1906. A copy of the testimony taken at Muskogee, Indian Territory, on November 16, 1905, in the matter of the application for the enrollment of Andy Rider as a Cherokee freedman, is filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants, Alexander Alberty and Joanna Cook, were born since 1866, and are descendants of Jim and Charity Alberty, and that it has been found by the Department in its decision rendered August 5, 1905, (I.T.D. 7676-05), that said applicants possess no right to enrollment as Cherokee freedmen as descendants of the said Jim Alberty. The evidence further shows that the said Charity Alberty was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the progress of said rebellion she left the Cherokee Nation and after ample opportunity having been afforded said applicants to establish by satisfactory evidence that their mother, the said Charity Alberty, was an actual personal bona fide resident of the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation as provided by Section three of the Act of Congress approved April 26, 1906, (34 Stat. 137), they have failed to do so, hence the right of said applicants to enrollment as descendants of the said Charity Alberty comes within the rulings of the Department in the cases of Eliza Bryant, et al. (I.T.D. 544-04), Ed Williams (I.T.D. 4230-04), William Rector (I.T.D. 1468-04), Minnie Duncan, et al. (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), Moses Ross (I.T.D. 6056-04), Jane Looney, et al. (I.T.D. 6410, 12688-04), Florence Bratcher (I.T.D. 12692-04) and Frankie Grimmett (I.T.D. 17902-1905). Neither of said applicants can be identified on the Cherokee authenticated tribal roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Alexander Alberty and Joanna Cook are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.


Commissioner.

Dated at Muskogee, Indian Territory,

this JAN 8 1907

This case was ^{originally} consolidated
with the case of Jim Alberty - bal
For record see C, F, R, 567

AFFIDAVIT

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } SS

In the matter of the application of Joanna
Cook for enrollment as a Cherokee Freedman.

No. F. D. 745

Henry Pack, of lawful age, being duly sworn on
oath states that on the 12 day of Sept, A. D., 1901, he registered
to Joanna Cook whose postoffice is Chautau
Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at St. Libair Indian Territory;
and that on the 16 day of Sept, 1901, he received the return
card which is hereto attached, signed by the said Joanna Cook, showing
that he had received said notice.

Subscribed and sworn to before me on this the 16 day of Sept, A. D. 1901.

Henry Pack
J. E. Lester
Notary Public.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
... day of ... A.D. 1901.

Given under my hand this
day ... A.D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
day of ... , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA
INDIAN TERRITORY, s. s.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the ... day of ... A.D. 1901

Subscribed and sworn to before me
this ... day of ... A.D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 16 1901

ACTING CHAIRMAN

NOTICE

IN THE MATTER OF The application of
for enrollment as a Cherokee Freedman:

Joanna Cook

Case No. F. D. *746*

To *Joanna Cook Choteau*

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of **Fort Gibson, I. T.** Indian Territory, on the following dates, to-wit: *Sept 14th* at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this *12th* day of *Sept*, 1901.

B. B. C.
W. M. Hastings
J. S. Davenport
Attorneys for the Cherokee Nation.

100-100000
MAR 25 1962

Handwritten signature
- 100-100000 -

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

re. Journal Book,

Volume 11, 1.

Cherokee - 746.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

B. 50745

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 18 1901


ACTING COMMISSIONER

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *June 18, 1901*
 Post Office *Cherokee*
 District *Co*

1. Name _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents: _____

Father *Robert* _____ Citizenship _____

Mother _____ Citizenship _____

1. Name of wife *Joanna Cook* _____ Age *22*

Owner's name _____ Citizenship _____

Year *1860* Page *144* No. *3573* District *Co*

Parents: _____

Father *Jim Alberty - living* _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by *Mo. 1* _____ Stenographer *M. D. Green*

On R.C. roll as Joanna Alberty.

X Ref R 287

Cherokee Freedmen
D-748.

Muskogee, Indian Territory, March 24, 1904.

Joanna Cook,

Chouteau, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision, dated March 5, 1904, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

A. B. Needles,

Register

Enc. D-67

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-287 et al.

Muskogee, Indian Territory, March 24, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, in the consolidated case of Jim Alberty et al., rejecting the applications for the enrollment of Jim, Cera, Daisy, James Jr., and Alexander Alberty and Joanna Cook as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

H. H. W. [Signature]

Enc. D-70

Commissioner in Charge.

Cherokee Freedmen
D-287 et al.

Muskogee, Indian Territory, March 24, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Jim Alberty et al., including the Commission's decision, dated March 5, 1904, rejecting the applications for the enrollment of Jim, Cora, Daisy, James Jr., and Alexander Alberty and Joanna Cook as Cherokee freedmen.

Respectfully,

J. I. Wardlaw

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-71

COPY

Copy of Departmental Letter, filed in evidence in the case of Jim Alberty, Cherokee Freedman-D-287.

D.C. 29891-1904.
I.T.D.1472-1904.
4998- "
L.R.8.

Y.P.
FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON. August 17, 1904.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

February 18, 1904, the Acting Commissioner of Indian Affairs submitted the Cherokee freedman case of Walker Johnson, and recommended that your decision adverse to the applicant be not concurred in, and that you be directed to enroll the applicant, as he finds that Johnson was the slave of a citizen of the Cherokee Nation at the commencement of the rebellion and returned to the Nation from Kansas prior to February 11, 1867.

Argument by the attorney for the Nation was received with your letter of July 12, 1904.

You found in your decision of July 10, 1903, that the applicant was not the slave of a Cherokee citizen at the commencement of the rebellion, and that he did not return from Kansas to the Nation prior to January 19, 1867.

The testimony for the applicant, upon which the burden of proof rests, is somewhat vague and contradictory, both as to the question of slavery and residence prior to February 11, 1867, and is contradicted in material particulars by testimony introduced by the Nation. The Department does not feel justified in rendering a

decision in the case without further opportunity for the applicant and the Nation to introduce more testimony, especially as the Nation asserts, apparently with good reason, that the principal witness for the applicant, Jim Alberty, is "one of the most disreputable freedmen in the Cherokee Nation; so disreputable that the Commission is thoroughly acquainted with him and can not afford to give any heed to his testimony," etc.

It also appears that Johnson is the husband of a Cherokee citizen, and the question of his right as an intermarried citizen of the Cherokee Nation has not been passed upon by you.

The case is hereby remanded, with directions to allow further testimony to be submitted, and to readjudicate the case.

The testimony and the papers attached thereto, also the argument of the attorney for the Nation, are inclosed.

A copy of Indian Office letter of February 18, 1904, was sent you April 7, 1904.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

2 inclosures.

Cherokee Freedmen

D-945.

Muskogee, Indian Territory, August 30, 1904.

Joanna Cook,

Choteau, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, the Commission's decision in which case rejecting your application was forwarded to the Secretary of the Interior for review on March 24, 1904, there is herewith enclosed a copy of departmental letter of August 18, 1904.

In accordance with instructions contained in said letter the attorneys for the Cherokee Nation have this day been advised that they will be allowed thirty days from date hereof within which to file, direct with the Department, such argument as they may desire to submit in this case, a copy of which they will be required to furnish you. You are advised that you will be allowed ten days additional within which to file, direct with the Department, a reply to said argument.

Respectfully,

Encl. 3-40.

Chairman.

Cherokee Freedmen

D-287, et al.

Muskogee, Indian Territory, August 30, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

In the matter of the application of Jim Alberty, et al., as Cherokee freedmen, embracing Cherokee freedmen cases Jim Alberty, et al., D-287; James Alberty Jr. D-323; Joanna Cook, D-743, and Alexander Alberty, D-744, the Commission's decision in which cases rejecting the applicants was forwarded to the Secretary of the Interior for review on March 24, 1904, there is herewith enclosed a copy of departmental letter of August 18, 1904.

In accordance with instructions contained in said letter you are advised that you will be allowed thirty days from date hereof within which to file, direct with the Department, such argument as you may desire to submit in this case, copies of which you will be required to furnish the principal applicant in each case and their attorney, Edgar Smith, Vinita, Indian Territory.

Respectfully,

Encl. 3-45.

Chairman.

C O P Y .

P.P.

I.T. 15384-1906.

PHE.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

SIR:

September 3, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There were received with your office letter of March 2, 1906, and Indian Office letter of August 29, 1906, certain papers filed by the attorney for Alexander Alberty and Joanna Cook in connection with a petition for the enrollment of Alberty and Cook as Cherokee freedmen, which application for enrollment was rejected by the Department August 5, 1906, the decision of the Commission to the Five Civilized Tribes adverse to the claimants being affirmed.

As your office states, the petition, again filed, was denied by the Department October 24, 1906, for the reason that a copy thereof, and of the affidavits accompanying it, had not been served upon the attorneys for the Cherokee Nation, and for the further reason that the agent filing the same and before whom the affidavits were executed was a notary public. You report that such agent has resigned his commission as notary, and has been admitted to practice before your office.

In January, 1906, the papers previously filed, and other affidavits, were transmitted to your office by said agent but

without proper evidence of service of copies upon the attorney for the nation.

Neither the attorney for the claimant nor the claimants themselves seem to understand in what manner the motion desired to be made should be prepared and presented; they appear to think that the Department might order enrollment upon such ex-parte statements without a rehearing.

The cases of these applicants were consolidated with that of Jim Alberty, their father, through whom they claim. His application was rejected in the decision of the Department referred to. They also claim through their mother, Charity Alberty, but for some reason which does not appear little testimony was taken as to her.

The petition now submitted, while not going into detail as to the alleged residence of Charity Alberty in the nation, indicates that possibly she was the slave of a Cherokee citizen and returned to the Cherokee Nation within the time prescribed by the treaty of 1866. The Department deems it advisable that a rehearing should be allowed such applicants. The decision of August 5, 1905, is therefore rescinded as to Alexander Alberty and Joanna Cook. The original record and papers received with your office letter of March 2, 1906, are inclosed, and you are authorized to order a rehearing, and after the same is had, to readjudicate the case.

Respectfully,

Jesse E. Wilson

Assistant Secretary

Through the Commissioner
of Indian Affairs.
3 inclosures.

DC 5184-1906.

I.T.D. 6080-1906 DEPARTMENT OF THE INTERIOR.

9687- "
9871- "

WCF
YP
FHE

WASHINGTON, January 26, 1906.

L.R.S.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

On March 24, 1904, you transmitted the record in the consolidated Cherokee Freedmen case of Jim Alberty, et al., including your decision of March 5, 1904, rejecting the applicants.

Reporting July 26, 1904, the Acting Commissioner of Indian Affairs recommended that your decision be reversed and that the applicants be enrolled.

On August 18, 1904, you were directed to notify the applicants and the attorneys for the Nation that they would be allowed time within which to file arguments in the matter. A brief has been filed by the attorneys for the nation, and an answer to the same has been filed by the attorneys for the applicants.

You stated in your decision that-

"The principal applicant, Jim Alberty, claims to have been a slave of John Alberty, a Cherokee citizen, at the commencement of the rebellion; but the evidence shows that the latter sold his slave, Jim Alberty, some years before the war to a citizen of the State of Arkansas and it does not appear that said Jim Alberty belonged to a Cherokee citizen at the commencement of the rebellion."

It appears that all the other applicants are the descendants of said Jim Alberty, and was born since 1856.

The testimony in this case is entirely too unsatisfactory to justify the Department in rendering a decision in the matter. The applicant Jim Alberty states that he was a slave of John Alberty, a Cherokee citizen, at the beginning of the war. Anderson Lynch, one of the witnesses for the applicants, states that the only thing he knows is that at one time before the war the applicant Jim Alberty belonged to one of the Albertys, and that after the war he saw him back in the nation. Simon Lynch, another witness for the applicants, states that he had seen Jim Alberty two, three or four years before the breaking out of the war. Moses Hardrick, another witness for the applicants, is not positive that the applicant Jim Alberty was the slave of John Alberty. B. W. Lindsey, who testified in behalf of the Cherokee Nation, states that all he knows about Jim Alberty, of his personal knowledge, is that he saw him in a wagon with two or three other colored people, in the spring of 1860; that he did not see him any more until after the war, and that John Alberty had informed the witness that he sold Jim Alberty at Little Rock. J. W. Alberty, a cousin of John Alberty, states that "along about '57 or '8 there was a man by the name of Howlan and Bill McGracken brought Jim and another colored man by the name of John ~~Alberty~~ and sent me to take them from my house at Evansville, and John Alberty taken him off from there and carried him south."

Jake Alberty, a son of John Alberty, who was born in 1854, and would therefore have been three years of age in 1857, states that his father took Jim off before the war and sold him. Another witness, Ellis E. Wright, states that in 1858 he was

indicted for shooting Jim Alberty; he also states that- "He claimed not to be a citizen of the Cherokee Nation at the time; he claimed his Master, John Alberty, had taken him below Fort Smith and sold him down below Dardenelle, and sold him to a man by the name of Morton."

While the evidence on both sides is unsatisfactory, the Department does not feel warranted in rejecting the applicants, by reason of the conflicting testimony introduced on behalf of the nation. The Department does not feel warranted in accepting the testimony of Ellis B. Wright as to the admissions made by the applicant in 1883. If it be true that the applicant claimed not to be a citizen of the Cherokee Nation at that time, the records of the court should show same. Owing to the unsatisfactory condition of the record, it is returned herewith, and it is desired that you endeavor to secure positive and satisfactory evidence upon which the Department would be justified in rendering a decision. You will therefore reopen the case, and allow the applicants and the attorneys for the nation an opportunity to introduce further testimony, after which you will readjudicate the case.

Respectfully,

(Signed) THOS MYAK,

Acting Secretary.

3 inclosures.

COPY.

Cherokee Freedmen
D-287 et al.

Muskogee, Indian Territory, February 21, 1908.

Ball, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the applications for the enrollment of Jim Liberty et al., as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of January 26, 1908, remanding this case for a rehearing and readjudication.

The applicants have, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, March 9, 1908, and introduce such testimony as they may desire relative to their rights to enrollment as Cherokee freedmen. You are further advised that you will be permitted to appear and introduce such testimony as you may desire in the matter of said applications.

For your information there is herewith inclosed a copy of Departmental letter referred to.

Respectfully,

Encls. 1-25.

Wm. B. Bixby,
Chairman.

(Copy)

Cherokee Freedmen
D-745.

Muskogee, Indian Territory, February 21, 1905.

Joanna Cook,

Choteau, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself as a Cherokee freedman, you are hereby advised that the Commission is in receipt of Departmental letter of January 26, 1905, remanding this case for rehearing and readjudication.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, March 9, 1905, and introduce such testimony as you may desire relative to your rights to enrollment as

~~a Cherokee Freedman.~~

You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in the matter of said application.

Respectfully,

(Signed) Tams Bixby,

Chairman.

Register.

COPY.

Cherokee Freedmen

D-745.

Muskogee, Indian Territory, May 18, 1906.

Joanna Cook,

Choteau, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 18, 1906, rejecting, among others, the application for your enrollment as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 8-9
Register

(SIGNER)

James Bixby.

Chairman.

COPY.

Cherokee Freedmen

D-287, et al.

Muskogee, Indian Territory, May 18, 1906.

Bell, Hastings & Dayenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 18, 1906, rejecting the applications for the enrollment of Jim Albany, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) *Tams Birby*

Chairman.

Incl. 8-11

COPY.

Cherokee Freedmen
D-237, et al.

Muskogee, Indian Territory, May 14, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Jim Liberty, et al., including the Commission's decision dated May 13, 1904, rejecting the applications for the enrollment of Jim, Cook, Bailey, James Jr., and Alexander Liberty and Joanna Cook, as Cherokee Freedmen.

Respectfully,

(SIGNED).

James Bixby

Chairman.

Incl. 8-10

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen

7XJ-
D-200, et al.

Muskogee, Indian Territory, August 18, 1905.

Ball, Hastings & Ravenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 15, 1905, rejecting the applications for the enrollment of Jim Liberty, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 8, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

LS

Acting Commissioner.

Incl. 8-56

Cherokee Freedmen

D-287, et al.

Muskogee, Indian Territory, August 18, 1905.

Blue & Bulger,

Attorneys for Jim Alberty, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 18, 1905, rejecting the applications for the enrollment of Jim Alberty, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 5, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

LS

Acting Commissioner.

Incl. 5-52

Cherokee Freedman D-748.

Muskogee, Indian Territory, August 18, 1905.

Jeanna Cook,

Choteau, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 18, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 5, 1905.

Respectfully,

LS

Acting Commissioner.

Cherokee Freedmen

D-745.

COPY.

Muskogee, Indian Territory, November 3, 1905.

Joanna Cook,

Choteau, Indian Territory.

Dear Madam:

You are hereby advised that this office is in receipt of Departmental Letter of October 24, 1905, in which the motion, filed in your behalf, to have reopened the Cherokee freedmen enrollment case of yourself, et al., is denied by the Department.

Respectfully,

GNB:105

Tame Bixby.
Commissioner.

LS

Cherokee Freedmen

D-745.

Muskogee, Indian Territory, December 23, 1905.

Joanna Cook,

Choteau, Indian Territory.

Dear Madam:

This office is in receipt, by reference of the United States Indian Agent, of your letter of December 9, addressed to the Secretary of the Interior, asking to be advised if you can apply "on mother's side for right". You state that you have been advised that your enrollment has been finally denied.

In reply you are advised the records of this office show that the decision of the Commission to the Five Civilized Tribes, dated May 18, 1905, rejecting your application for enrollment as a Cherokee freedman, was denied by the Secretary of the Interior on August 8, 1905, and that on October 24, 1905, the Department denied a motion for rehearing in your case. The action of the Interior Department is final.

You are further advised that if you have any newly discovered evidence that is material to your case, and advise this office in detail the nature of the same, and file affidavits in support of the same, stating in full the facts to which the witnesses, whose testimony you desire to introduce in the event your

-2-

case is reopened, will testify, same will be forwarded, with recommendation, to the Secretary of the Interior for action thereupon.

Respectfully,

LS

Commissioner.

Muskogee, Indian Territory, January 17, 1906.

Joanna Cook,

Choteau, Indian Territory.

Dear Madam:

This office is in receipt of papers in connection with the Cherokee freedman enrollment case of yourself and brother, Alexander Alberty. No letter of transmittal was received with the papers, but it is evident that they are transmitted to be considered as a motion to have your case reopened.

The papers are returned herewith and you are advised that the rules and regulations require that copies of all papers filed in connection with motions to have Cherokee enrollment cases reopened shall be served on the Attorneys for the Cherokee Nation, proof of such service to be made. If you will serve copies of these papers on the Attorneys for the Cherokee Nation and make satisfactory proof of the same and return them to this office, they will be forwarded to the Secretary of the Interior for his consideration and action thereupon.

Respectfully,

Incl. GL-83.
OHL

Commissioner.

Muskogee, Indian Territory, January 17, 1906.

Joanna Cook,

Choteau, Indian Territory.

Dear Madam:

This office is in receipt of papers in connection with the Cherokee freedman enrollment case of yourself and brother, Alexander Alberty. No letter of transmittal was received with the papers, but it is evident that they are transmitted to be considered as a motion to have your case reopened.

The papers are returned herewith and you are advised that the rules and regulations require that copies of all papers filed in connection with motions to have Cherokee enrollment cases reopened shall be served on the Attorneys for the Cherokee Nation, proof of such service to be made. If you will serve copies of these papers on the Attorneys for the Cherokee Nation and make satisfactory proof of the same and return them to this office, they will be forwarded to the Secretary of the Interior for his consideration and action thereupon.

Respectfully,

Incl. GL-33.
GHL

Commissioner.

Muskogee, Indian Territory, January 20, 1906.

I. P. Bledsoe,

Agent for Joanna Cook, et al.,

Choteau, Indian Territory.

Dear Sir:

There is returned herewith affidavit received at this office on January 15, 1906, signed by Lewis and Betsey Wright, which you evidently desire considered in connection with the motion to have reopened the Cherokee freedmen enrollment case of Joanna Cooke, et al.

You know that the rules of this office and the Department require that copies of all motions and papers filed therewith, to have reopened Cherokee enrollment cases, shall be served on the attorneys for the Cherokee Nation, evidence of such service to be made. Until proper service of a copy of the affidavit returned has been made, the affidavit cannot be considered.

Respectfully,

Incl. S-75

Commissioner.

Cherokee Freedmen

D-744-745.

Muskogee, Indian Territory, January 22, 1906.

I. P. Bledsoe,

Choteau, Indian Territory.

Dear Sir:

This office is in receipt of your letter of January 18, inclosing petition of Alexander Alberty and Joanna Cook to have reopened their Cherokee freedmen enrollment cases, and various affidavits and papers attached thereto. You state that you requested a notary public to send the affidavits of Flora Foreman and Thomas Moore to this office, and that you "mailed by register, as the within receipt will show, a full and complete copy of all to W. F. Hastings, James S. Davenport and Hookey Bell, Cherokee attorneys, Muskogee".

In reply, the petition and all papers attached thereto are returned herewith, and you are advised that they bear no evidence of copies thereof having been served on the attorneys for the Cherokee Nation; neither is this office in receipt of any "receipt" showing that copies of the same have been served on the attorneys for the Nation. This office is in receipt of what purports to be a copy of the above mentioned petition, the same inclosed in an unsealed envelope addressed to Messrs. Hastings, Davenport, & Bell, attorneys for the Cherokee Nation, in care of the Dawes Commission. These papers do not appear to have gone

through the mail, as the stamp on the envelope has never been cancelled. They are not copies of all papers attached to the petition returned herewith.

There are also inclosed affidavits signed by Thomas H. Moore and Flora Foreman, which were received at this office on the 18th inst. No letter of transmittal accompanied these affidavits, but it is presumed that they are the ones referred to in your letter of January 18. These affidavits bear no evidence of copies thereof having been served on the attorneys for the Cherokee Nation.

Your attention is called to a letter addressed to you on the 20th inst., in which certain affidavits in connection with this case were returned to you with the advice that they could not be considered until copies of the same had been served on the attorneys for the Cherokee Nation, evidence of which service to be made.

Respectfully,

Incl. 8-80

Commissioner.

Muskogee, Indian Territory, March 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of October 24, 1905 (I.T.D. 13858-1905), there is inclosed petition made by I. P. Bledsoe, of Choteau, Indian Territory, for a rehearing in the Cherokee freedmen enrollment cases of Joanna Cook and Alexander Alberty, (D 744-745). Various papers and affidavits are attached to the petition. Some of the affidavits have not been sworn to, and others, which are signed by mark, are not witnessed. The petition bears no evidence of a copy thereof and of the papers attached thereto, having been served upon the attorneys for the Cherokee Nation. There is, however, a receipt attached to the petition for a registered letter received at the postoffice of Choteau, I. T., on January 27, 1906, of I. P. Bledsoe and addressed to Messrs. Hastings, Davenport & Bell, attorneys for the Cherokee Nation, but there is nothing to show the contents of the letter.

This motion was denied by the Department in its letter to this office of October 24, 1905, for the reason that a copy of the same, and the affidavits attached, had not been served upon the attorneys for the Nation, and for the further reason

that the agent filing the same, and before whom the affidavits were executed, was a notary public.

The papers inclosed, or a part of them, have several times been returned by this office to Mr. Bledsoe and to the applicants with instructions to serve copies of the same upon the attorneys for the Cherokee Nation, and to make proof of such service.

Mr. Bledsoe has resigned his commission as a notary public for the Northern district of Indian Territory and has been admitted to practice as an agent before this office.

The records of this office show that on March 24, 1904, the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the applicants embraced in the Cherokee freedmen consolidation cases of Jim Alberty, et al., which included among others, the applications for the enrollment of Joanna Cook and Alexander Alberty as Cherokee freedmen, was forwarded to the Department; that on August 18, 1904 (I.T.N. 6050-1904), the Department directed this office to furnish the attorneys for the Cherokee Nation with a copy of a letter of the Acting Commissioner of Indian Affairs, dated July 26, 1904, recommending that the Commission's decision adverse to the applicants be reversed, and to advise them that they would be allowed thirty days to file such argument as they desired to make in the case, and to advise the applicants that they would be allowed ten days from service

-3-

of a copy of the Nation's argument within which to reply to same; that on January 26, 1905 (I.T.D. 9687, 9871-1904), said case was remanded to the Commission for rehearing and readjudication; that on May 18, 1905, the Commission rendered its decision adverse to all of the applicants embraced in said cases of Jim Alberty, et al., and that on August 3, 1905 (I.T.D. 7676-1905), the Commission's decision was affirmed by the Department.

Respectfully,

Incl. 3-7

Acting Commissioner.

Through the

Commissioner of Indian Affairs.

C O P Y .

F.P.

I.T.D. 15384-1906.

FHE.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LRS

September 8, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There were received with your office letter of March 2, 1906, and Indian Office letter of August 29, 1906, certain papers filed by the attorney for Alexander Alberty and Joanna Cook in connection with a petition for the enrollment of Alberty and Cook as Cherokee freedmen, which application for enrollment was rejected by the Department August 5, 1905, the decision of the Commission to the Five Civilized Tribes adverse to the claimants being affirmed.

As your office states, the petition, again filed, was denied by the Department October 24, 1905, for the reason that a copy thereof, and of the affidavits accompanying it, had not been served upon the attorneys for the Cherokee Nation, and for the further reason that the agent filing the same and before whom the affidavits were executed was a notary public. You report that such agent has resigned his commission as notary and has been admitted to practice before your office.

In January, 1906, the papers previously filed, and other affidavits, were transmitted to your office by said agent but

without proper evidence of service of copies upon the attorney for the nation.

Neither the attorney for the claimant nor the claimants themselves seem to understand in what manner the motion desired to be made should be prepared and presented; they appear to think that the Department might order enrollment upon such ex-parte statements without a rehearing.

The cases of these applicants were consolidated with that of Jim Alberty, their father, through whom they claim. His application was rejected in the decision of the Department referred to. They also claim through their mother, Charity Alberty, but for some reason which does not appear little testimony was taken as to her.

The petition now submitted, while not going into detail as to the alleged residence of Charity Alberty in the nation, indicates that possibly she was the slave of a Cherokee citizen and returned to the Cherokee Nation within the time prescribed by the treaty of 1866. The Department deems it advisable that a rehearing should be allowed such applicants. The decision of August 5, 1905, is therefore rescinded as to Alexander Alberty and Joanna Cook. The original record and papers received with your office letter of March 2, 1906, are inclosed, and you are authorized to order a rehearing, and after the same is had, to readjudicate the case.

Respectfully,

Jesse E. Wilson

Assistant Secretary

Through the Commissioner
of Indian Affairs,
3 inclosures.

Cherokee Freedmen
R 708

Muskogee, Indian Territory, September 24, 1906

Joanna Cook,

Chouteau, Indian Territory.

Dear Madam:

You are hereby advised that this office is in receipt of Departmental letter of September 8, 1906, rescinding its decision of August 5, 1905, affirming the decision of the Commission to the Five Civilized Tribes rejecting, among others, the applications for the enrollment of yourself and Alexander Alberty as Cherokee freedmen, and ordering a rehearing in the case of yourself and the said Alexander Alberty.

Your agent, I. P. Bledsoe, has this day been requested to advise this office at the earliest practicable date the names and addresses of all the witnesses he expects to introduce in your behalf. Upon receipt of such information the Cherokee Nation will be advised thereof and a date will be set for a rehearing in your case, of which action all parties at interest will be notified.

Respectfully,

L M B

Commissioner

Cherokee Freedmen
R 707- R 708

Muskogee, Indian Territory, September 24, 1906

I. P. Bladsee,

Agent for Alexander Alberty et al.

Chautau, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of September 8, 1906, wherein its decision of August 5, 1906, affirming the decision of the Commission to the Five Civilized Tribes, rejecting, among others, the applications for the enrollment of Alexander Alberty and Jeanne Cook, is rescinded, and a rehearing ordered as to them. Testimony is especially desired tending to show what right said applicants possess to enrollment as Cherokee Freedmen, through their mother, Charity Alberty.

You are requested to advise this office at the earliest practicable date, the names and addresses of all the witnesses you expect to introduce in this case. Upon receipt of such information the Cherokee Nation will be

I. P. Hodges

Advised thereof and a date will be set for a rehearing
in the case, of which action all parties at interest
will be advised.

For your information there is enclosed here-
with a copy of the Departmental letter of September 4,
1906.

Respectfully,

L M B

Commissioner

Encl. 2-89

Cherokee Freedmen
H 707- R 708

Muskegee, Indian Territory, September 24, 1906

W. W. Hastings,
Attorney for Cherokee Nation,
Muskegee, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of September 8, 1906, wherein its decision of August 5, 1906, affirming the decision of the Commission to the Five Civilized Tribes, rejecting among others, the applications for the enrollment of Alexander Alberty and Joanna Cook, is reminded, and a rehearing ordered as to them. Testimony is especially desired tending to show what right said applicants possess to enrollment as Cherokee Freedmen, through their mother, Charity Alberty.

I. F. Blodgett, Agent for applicants, Chouteau, Indian Territory, has been this day requested to advise this office at the earliest practicable date the names and addresses of all the witnesses expected to be introduced in this case. Upon receipt of such information you

W. W. Hastings-2

will be advised thereof and a date will be set for a re-hearing in the case, of which action all parties at interest will be advised.

For your information there is enclosed herewith a copy of the Departmental letter of September 8, 1904.

Respectfully,

L M B

Commissioner

Encl. B-58

D. C. 43797

(COPY).

Chateau Ind. Tery, Oct 5" 1906.

Dear Sirs:

In reply to your request to send the names of witnesses desired in the Freedman citizenship cases of Joanna Cook and Alec Alberty I will give you their names and P.O. address viz:

Hannah Thomas P.O. Keifton, I.T.

Jack Landrum Hayden I.T.

Mary " "

Thomas Moore Ketchum I.T.

Nelson " "

Hellie Landrum Vinita I.T.

These are all the witnesses I think that I will need in these cases. However I wish to introduce the Inscription on her tombstone Charity Alberty nee Landrum when the case comes up she was buried on Salt Creek about 20 miles North of Chelsea I.T. in order to thoroughly establish the fact that she died and was buried here in the Cherokee Nation.

Very Respy

I. P. Hledsee

Representative for Joanna Cook &
Alec Alberty.

(COPY)

D. C. 43797

Chateau Ind. Terry, Oct 6" 1906.

Dear girls:

In reply to your request to send the names of witnesses desired in the Freedman citizenship cases of Joanna Cook and Alec Alberty I will give you their names and P.O. address viz:

Hannah Thomas P.O. Keifton, I.T.

Jack Landrum Hayden I.T.

Mary "

Thomas Moore Ketchum I.T.

Nelson "

Nellie Landrum Vinita I.T.

These are all the witnesses I think that I will need in these cases. However I wish to introduce the Inscription on her tombstone Charity Alberty nee Landrum when the case comes up she was buried on Salt Creek about 20 miles North of Chelsea I.T. in order to thoroughly establish the fact that she died and was buried here in the Cherokee Nation.

Very Respty

I. P. Bledsoe

Representative for Joanna Cook &
Alec Alberty.

Cherokee
P R 707--708

Muskogee, Indian Territory, November 24, 1906.

I. P. Blodsee,

Agent for Alexander Alberty, et al.,
Choteau, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings had at Muskogee, Indian Territory, November 8 and 9, 1906, and at Vinita, Indian Territory, November 9, 1906, in the matter of the applications for the enrollment of Alexander Alberty and Jeanna Cook as Cherokee Freedmen.

Respectfully,

Incl. CL-60.
CHL

Commissioner.

Cherokee
F R 707-708

Muskogee, Indian Territory, November 24, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings had at Muskogee, Indian Territory, November 8 and 9, 1906, and at Vinita, Indian Territory, November 9, 1906, in the matter of the applications for the enrollment of Alexander Alberty and Joanna Cook as Cherokee Freedmen.

Respectfully,

Incl. GL-400
OHL

Commissioner.

Cherokee F.
R 708.

Muskogee, Indian Territory, January 8, 1907.

Joanna Cook,

Chouteau, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, denying your application for enrollment as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.H.J.-17.
H.J.C.

Commissioner.

Register.

Cherokee F.
R 707
R 708.

Muskogee, Indian Territory, January 8, 1907.

I. P. Hledsac,
Agent for Alexander Liberty, et al.,
Choteau, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes, dated January 8, 1907, denying the application for the enrollment of Alexander Liberty, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. N.J., -14.
N.J.C.

Commissioner.

Cherokee P.
R 707
R 708

Muskogee, Indian Territory, January 8, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, denying the application for the enrollment of Alexander Alberty, et al., as Cherokee Freedmen.

The decision, together with the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. H.J.-18.
H.J.C.

Commissioner.

Muskogee, Indian Territory, January 8, 1907.

The Honorable,

The secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Alexander Alberty, et al., as Cherokee freedmen, together with the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, denying the applications for the enrollment of Alexander Alberty and Jeanna Cook, as Cherokee freedmen.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

Encl. H.J.-29.
H.J.C.

Cherokee Y
R 708

COPY

Muskogee, Indian Territory, March 6, 1907.

Joanna Cook,

Chouteau, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the
Commissioner to the Five Civilized Tribes, dated January 8,
1907, rejecting your application for enrollment as a Cherokee
freedman was affirmed by the Secretary of the Interior, February
27, 1907.

Respectfully,

SIGNED *Tams Bixby*

Commissioner.

Encl. HJ-89.
HJC

Cherokee v.
R 707 et al

COPY

Muskogee, Indian Territory, March 6, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the
Commissioner to the five civilized Tribes, dated January 8,
1907, rejecting the applications for the enrollment of Alexander
Alberty, et al., as Cherokee freedmen was affirmed by the
Secretary of the Interior, February 27, 1907.

For your information there is enclosed herewith a copy
of Departmental decision referred to.

Respectfully,

Encl. HJ-60.
HJC

SIGNED *James Bixby*.

Commissioner.

Cherokee F
R 707 et al.

COPY,

Muskogee, Indian Territory, March 6, 1907.

I. P. Bledsoe,

Agent for Alexander Albery, et al.,
Chouteau, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the five Civilized Tribes, dated January 8, 1907, rejecting the applications for the enrollment of Alexander Albery, et al., as Cherokee freedmen was affirmed by the Secretary of the Interior, February 27, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED *Wm. Bixby*

Commissioner.

Encl. HJ-74.
HJC

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND
2967-1907

February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of the proceedings in the matter of the application for the enrollment of Alexander Alberty and Joanna Cook as Cherokee freedmen, together with the decision of the Commissioner to the Five Civilized Tribes dated January 8, 1907, adverse to the applicants.

The record shows that application was made to the Commission to the Five Civilized Tribes for the enrollment of the applicants herein as Cherokee freedmen within the time limited by law.

The evidence shows that the applicants, Alexander Alberty and Joanna Cook, were born since 1866, and are descendants of Jim and Charity Alberty.

The evidence further shows that Charity Alberty was the slave of a Cherokee citizen at the commencement of the war of the Rebellion; that during the progress of the war she left the Cherokee Nation, and after ample opportunity having been afforded the applicants to establish by satisfactory evidence that their mother, Charity Alberty, was an actual

-2-

personal bona fide resident of the Cherokee Nation on February 11, 1867, they have failed to do so.

Commissioner Bixby reports that neither of the applicants can be identified on the Cherokee authenticated roll of 1880.

Therefore, by reason of the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat. L. 495) the Office concurs in the decision of Commissioner Bixby denying the enrollment of Alexander Alberty and Joanna Cook as Cherokee freedmen.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

EBM.PH.

COPY

D.C.12054-1907.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y.P.

O.K.

I.T.D.

4306, 4332, 4334, 4368,
4674, 4706, 4720, 4788,
4792, 4800--1907.

February 27, 1907.

L.R.S.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of Transmittal.
Lucile Vann, (Freedman),	January 9, 1907.
Lewis Brown (Freedman),	October 17, 1906.
Manchie James,	October 17, 1906.
George E. Madden,	October 17, 1906.
Ada A. Waybourn,	February 2, 1907.
Lucy Chisholm (Katie Vann) (Freedman),	November 23, 1906.
Ethal Mary House,	November 23, 1906.
Luella Blythe,	January 8, 1907.
Frances Collins et al.,	January 7, 1907.
Alexander Alberty et al. (Freedman),	January 8, 1907.

A copy herewith and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

10 inc. and 21
inc. for Ind. Of.
A.F.M.
2-28-07.

Oberokee Freedmen
R 708

Muskogee, Indian Territory, April 4, 1907

Joanna Cook,

Choteau, Indian Territory.

Dear Madam:

In reply to your letter of March 26, 1907, in which you refer to a letter addressed by you to the secretary of the Interior, you are advised that on January 8, 1907, the Commissioner to the Five Civilized Tribes rendered his decision denying your application for enrollment as a Cherokee Freedman, and on February 27, 1907, said decision was affirmed by the secretary of the Interior. The action of the secretary in this case is final.

Respectfully,

L M B

Acting Commissioner

Cherokee Freedmen
R 508

Encl. B-80

Muskogee, Indian Territory, April 1, 1907

Joanna Cook,

Choteau, Indian Territory.

Dear Madam:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of March 21, 1907, relative to your right to enrollment as a Cherokee freedman.

In reply you are advised the records of this office show that on February 27, 1907, your application for enrollment as a Cherokee freedman was denied by the Secretary of the Interior. The action of the secretary is final in Cherokee citizenship cases.

The papers enclosed with your letter are returned herewith.

Respectfully,

L M B

Encl. B-80

Acting Commissioner

REGISTRY RECEIPT.

Post Office at

FT. GIBSON, I. T.

SEP 12 1901

Registered Letter No.
Parcel

Rec'd

, 190

of

addressed to

J. C. Harr
Fort Gibson I. T.
James Cook
Chas. Warr I. T.

Hubbard Ross, P. M.

P. M.

Cher. Fr. R-709

Cher. Fr. R 709

Trans. from Cher. F.D 748

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 18, 1901.

In the matter of the application of Delilah Rowe for the enrollment of herself and four children as Cherokee Freedmen, being sworn and examined by Commissioner Needles, she testified as follows:

Appearance;

Mr. Smith, of Mallett & Smith, for applicant;
Mr. Hastings, for the Cherokee nation.

- Q What is your name? A Delilah Rowe.
Q How old are you? A Must be about 50 I guess.
Q What is your post-office? A Wimer.
Q What district do you live in? A Gowaesscoowas.
Q Who do you want to enroll besides yourself? A I have got some children.
Q How many? A Nine.
Q Nine children with you? A I say I have got nine.
Q Are you married? A No sir.
Q Have you ever been married? A No sir.
Q What is your father's name? A Daniel Rowe.
Q Is he living? A No sir.
Q What is your mother's name? A Harriett Rowe.
Q Is she living? A No sir.
Q Is your name on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee nation? A On the Wallace roll.
Q You say you have never been married? A No sir.
Q And got nine children, what do you call all of these children, Rowe? A Yes sir.
Q You have got five under 21 years of age, what is the first one named? A Lubertha.
Q Lubertha, 19, is it one Sophia? A Yes sir.
Q She is 17? A Yes sir.
Q Next one Daniel? A Yes sir.
Q Is he 14? A Yes sir.
Q Next one, what is the next one? A Eva.
Q Eva is about 12 is she? A Yes sir.
Q And what is the name of the next one, Harry? A Harvey, seven years old.
Q Did you ever what is known as the Strip payment? A No sir.
Q Where were you born? A Born in the nation here.
Q These children all born in the nation here? A All but the oldest one.
Q You were a slave? A Yes sir.
Q Who did you belong to? A Lewis Ross.
Q Was he a Cherokee? A Yes sir.
Q Lewis Ross was a Cherokee by blood. A Yes sir.
Q Were you taken out of the nation during the war between the North and South? A Yes sir.
Q Where? A Went out up in Texas.
Q When did you return to the Cherokee nation? A '85.
Q Who with? A My father and brothers.
Q And you have been living in the Cherokee nation ever since that? A Yes sir.
BY MR. SMITH:
Q Who are your witnesses? A Jim Alberty, and Ross Riley.
Q You were born a slave your self? A Yes sir.
Q Lewis Ross was a Cherokee Indian and a citizen of the Cherokee nation? A Yes sir.
Q Where were you at the time the war commenced? A When the war commenced we was in the Cherokee nation.

- Q Where? A At the old Asylum to my old boss's place on Grand river.
Q How far from Yinita? A I don't know.
Q Is it the old Orphan Asylum? A Yes sir.
BY MR. WASTINGS:
Q How old are you now? A Must be about 80, I don't know my age exact.
Q What was your father's name? A Daniel Rowe.
Q He came back with you did he? A Yes sir.
Q Your mother came back with you? A My mother died in Kansas.
Q At what place? A At Humboldt.
Q You came down here then from Humboldt Kansas? A No sir, mother died when we first went up there.
Q Was your father in the army? A Belonged to the militia.
Q What place in Kansas did you come from when you came down here? A Ft. Scott.
Q What were you doing up at Ft. Scott just after the war? A We just lived there.
Q Did you have any children up there? A I had one.
Q Born up there? A Yes sir, the oldest one.
Q Born in Ft. Scott? A Born in the neighborhood there; we lived in the country.
Q Was you living with a man then as your husband? A No sir, I never had no husband.
Q Who were you living with when that child was born? A With my parents.
Q That child alive now? A Yes sir, grown man and got children.
Q What is his name now? A Eddie.
Q How old is Eddie? A He must be more thing near 36 years old I reckon; that's way we put it down.
Q You applied for Eddie before the Kern-Clifton Commission didn't you? A Yes sir.
Q ~~What was his name then?~~ You remember what you gave his age in at that time? A No sir, I don't.
Q You remember whether or not you gave his age in as that? A Oh he must have been 28.
Q Do you remember whether you gave his age in as that or not? A I don't remember whether I did or not.
Q How old was Eddie when you came down here? A He was something over 2 months old.
Q Where was George born? A He was born here.
Q Where? A On Big Creek.
Q You came from Kansas to Big Creek? A Yes sir.
Q You know Albert Morris, that man sitting over there? (indicating)
A Yes sir.
Q He was living there on Big Creek was he when you came? A No sir, I don't remember seeing him.
Q How far did you live from him? A His place must be about 6 miles I reckon from that place.
Q You say he was not living there? A I never saw him.
Q How long was it after you got there until you saw him? A I don't know how long it was.
Q Peter Ward was living up there when you went there? A Yes sir.
Q Did Peter Ward have a house when you came there? A Yes sir, they built log houses.
Q Did they have a little patch of corn? A No sir, no corn, I never seen any.
Q Did Oliver Morris live there? A Several years after he was there we got acquainted with the Morris folks.
Q Did you testify five years ago before the Kern-Clifton Commission that he was living there? A No sir, I didn't; you asked me if he was living there and I told you when I got acquainted with him he was living there, but I never seen him when I first went there.

Delilah Rowe et al 3

Q Where is your son Eddie? A He is here so ~~is~~ where.

Q Was he tried in the United States Court at Ft. Smith? A Yes sir, you know all about it.

Q Convicted? A Yes sir.

Q What was he convicted of? A I to ld you that once, he was accused of ~~the~~ concealing stolen property.

Q Who did the property belong to? A I didn't know, I don't remember.

Q You said before it belonged to William Martin didn't you? A Never said any such a thing, no sir.

Q You don't know who it belonged to? A It belonged to somebody ~~was~~ in there, but I don't remember, ~~it~~ who it was now/ I don't know no William Martin, old Bill Martin?

A Yes. A No sir, I didn't state that.

Q You deny the property belonged to him? A I don't deny it, it may have been, I don't remember it.

Q How far did you locate from Coffeyville? A We call it 16 mile from ~~where~~ our house to Coffeyville.

Q Who were your ~~neighbors~~ neighbors when you first located there? A When we first located there we was all just fresh settled there, there was aunt Phillis Whitmore, and uncle Mike and Mart Whitmore, and old Andy Daugherty, there was a good many of them.

Q Have you lived ever since right in that same place? A Yes sir, I have been no where else.

Q You came straight from Kansas there? A Yes sir, we come straight from Kansas with my father.

Q Down there? A Yes sir.

Q How long after you got there until you saw Jim Alberty? A He come to visit us little while after we was there.

Q Are you any kin to him? A No sir.

Q Was it the spring of the year or the summer or what time of the year? A It was in the fall, getting cool.

Q About what month in the fall? A I don't know, it must have been ~~in~~ in November, or the first of December.

Q Do you know what year George was born in? A George was born in the year Chicago caught fire, '71 I believe; George aint with my children at all.

Q How much older than George is Eddie? A There is one dead ~~between them~~ between them. A/

Q How much difference between the ages of Eddie and George? A I don't know, there is a boy between them, dead.

Q Well now about the difference in the ages of them two? A I can't tell, because I don't know.

Q Well what is the difference between George's age and Bell's age? A Bell is 27 last March and George ought to be 30 I reckon.

Q Well you know the difference between Bell's and George's age, why don't you know the difference between George's and Eddie's ages? AA Well I say there is one between them children that's dead.

Q Well can't you tell how much older than George Eddie is? A Well I guess not, you will have to tell.

Q You raised them both didn't you? A Yes, I raised them right there on Big Creek.

Q Well now tell us how much older than George Eddie is? A Must be something like five years I guess.

Q You saw this Jim Alberty first after the war? Ap On Big Creek?

A Yes sir, he come ~~and~~ to our house.

Q How long did he stay there? A He was around in the neighborhood several days.

Q You don't know what month it was in the fall? A Well when he come to our house it was something near Christmas time.

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Q About Christmas time was it? A Yes sir, something near Christmas time.

Q You know William Noble? A Yes, I know Bill Noble.

Q How far did he live from you at that time? A About eight miles.

Q You have never lived there ever since have you? A Yes sir.

Q Old man Nelson Murrell living there at that time? A He lived up on Snow Creek.

Q How far from you? A About 12 miles.

Q Was he living up there when you moved up there? A I don't know, we never scattered out nowhere.

Q What were your nearest neighbors then? A Phillis Whitmire and Art Whitmire and uncle Andy Daugherty.

Q How far did you live from uncle Andy Daugherty? A Something over two miles.

BY MR. SMITH:

Q What are the names of your children, older than the ones you have applied for here to-day? A The oldest one is Eddie.

Q Eddie what? A We sometimes call him Eddie Watkins, they mostly go by my name, Rowe.

Q Now the next one? A George Ward, he ain't with me though.

Q Well the next one? A Bell Tyler.

Q Well the next one? A Fred Thompson.

Q Any others? A Hattie.

Q Any others? A Lubertha.

Q Well that brings you down to the ones you say leave this morning?

A Yes sir.

BY COM'R NEEDLES:

Q Do you want these children enrolled as Rowe? A Yes sir, they have always went by that name.

MOSE RILEY, being sworn and examined by Com'r Needles, testified as follows:

BY MR. SMITH:

Q State your name? A Mose Riley.

Q Where do you live? A Chelsea.

Q Is that your post-office? A Yes sir.

Q How long has that been your post-office? A Between 21 and 22 years.

Q You know this applicant, Delilah Rowe? A Yes sir.

Q How long have you known her? A Known her ever since she was a young girl.

Q Did you know her before the war? A Yes sir.

Q Was she a slave? A Yes sir, she was a slave, at Lewis Ross.

Q Was Lewis Ross a Cherokee Indian? A Yes sir.

Q Well, where did Lewis Ross live when the war commenced? A At the old asylum. Where the Cherokee Orphan Asylum is now.

Q In the Cherokee nation? A Yes sir.

Q Where was Delilah Rowe when the war commenced? A I don't know sir whether she was right there or not.

Q When did you first see her after the war closed? A It was right after the war I saw her at her uncles, her and her father and mother, that is her step-mother.

Q Who was her uncle? A Lewis Rowe.

Q Where did you see her? A On Grand river, in the Cherokee Nation.

Q When? A Right after the war.

Q You don't know what year it was in? A No sir.

Q How long after the war was it? A Not very long after the war when the colored people all begin coming back here.

Q When did you come back yourself? A In '66.

Q What time in '66? A In the fall.

Q Did you see her before or after you yourself came back? A I

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saw her after.

Q How long after? A It must have been a couple of months, anyhow, somewhere long about that time, in the winter.

Q Can you state what time in the fall of '66 you came back, how long before Christmas? A I must have went up directly after, we come down, directly after laying by corn, and got back just as soon as we could get back, wasn't there very long.

Q Was it cold weather or was it warm weather? A No sir, it wasn't cold weather.

Q You think it was about how long you say before you saw her after you got back? A I don't think it was over two months, I don't think it was.

Q Did you know where she is living now? A Yes sir.

Q Where? A She is living about three quarters of mile west of Wimer, Indian Territory.

Q How long has she been living there? A Oh she has been living there for years, I don't know sir, ever since she was a young woman.

BY MR. HASTINGS:

Q Now, you have already applied for enrollment yourself haven't you? A Yes sir.

Q You have been put upon a doubtful card? A I suppose so, yes sir.

Q Your father's name was Riley McNair? A Yes sir.

Q Your father came down to the Cherokee Nation before you didn't he? A Yes sir.

Q He made a crop on the old McNair place? A Yes sir.

Q In the fall after he made a crop you people came down, is that the way of it? A Yes sir, we come down in the fall.

Q Now, have you ever had any occasion to specially remember for 35 years just meeting this woman, or any other woman? A No sir, only meeting the colored people after we come back.

Q You saw this woman some time after you came back? A Yes sir.

Q That was over on Grand river? A Yes sir.

Q Now how far is Grand river from Big Creek? A I don't know sir, it must be maybe 35 or 40 miles, somewhere along there, I don't know just how far.

Q How many crops, now after you came back yourself, did your family make on the McNair place? A Two.

Q You made two, and then you moved to Pryor Creek, did you? A Yes sir.

Q What time in there did you move to Pryor Creek? A Let me correct that, father made one and we made one, two in all is what we made.

Q You mean by that then that after you returned of course I understand your father had made one, but after you returned, you still made one crop before you moved on Pryor Creek? A Yes sir.

Q Well then the next year after you made that crop, that following fall you moved to Pryor Creek, is that the way of it; the fall after you made your crop yourself? A We commenced moving in the winter and we were finished moving until the spring after that.

Q The were your neighbors over on Pryor Creek? A There wasn't no neighbors there when we went there.

Q Well you moved to the place you lived some time afterwards?

A Martin Thompson, he finally lived there on what was called the old McNair place years before the war.

Q You wasn't called upon to testify for this woman 5 years ago?

A No sir.

Q How long after you saw her on Grand river was it until you saw her up on Big Creek? A I saw her next year after we come from Saline, out in Comanche country.

Q You are not willing to testify just what year you saw her down on Grand river? A No sir.

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Q You are not positive as to the exact number of months after you returned until you saw her down there? A No sir, I couldn't tell exactly.

Q Good many people were coming back at about that time? A Oh yes sir. They were coming occasionally.

Q You had no more reason to remember this woman than any other colored person that was coming back to the nation did you? A No more than I went up there frequently; I lived right there.

Q How far was the McNair place from where Lewis Rowe lived? A It was I expect 12 or 14 miles, but there was no colored people lived down in that part and we went up in that neighborhood to church every Sunday.

BY COM'R NEEDLES:

Q Does Big Creek run into Grand river? A No sir.

Q Big Creek runs into the Verdigris? A Yes sir.

Q You stated it was 35 or 40 miles from Big Creek to Grand river?

A Yes sir, it is.

Q Well to what points, -well let it go.

JIM ALBERTY, being sworn by Com'r Needles, testified;

BY MR. SMITH:

Q State your name? A Jim Alberty.

Q How old are you? A Near 70 years old.

Q What is your post-office? A Chouteau.

Q How long have you lived in the Cherokee nation? A 70 years.

Q Do you know this applicant, Delilah Rowe? A Yes sir.

Q How long have you known her? A I have known her ever from a small child.

Q Was she a slave before the war? A She was born a slave.

Q Whose slave was she? A Lewis Rossa. Ross.

Q Was Lewis Ross a Cherokee Indian? A Yes sir.

Q Where did he live before the war? A Over here where this Orphan Asylum is.

Q In what nation? A On Grand river. In the Cherokee nation.

Q When did you first see this applicant, Delilah Rowe, after the war closed? A I saw her right close to her old home, come there and visited her daddy and her with him.

Q Who was with her? A Her daddy, Daniel Rowe.

Q Where was that you saw her? A In the Cherokee nation, on Grand river.

Q When was it? A It was in '66.

Q You know about what time of the year? A Yes sir.

Q What time? A It was in the fall, as well as I can recollect.

BY MR. FOSTER:

Q What time in the fall was that Jim? A I don't know exactly, what time it was, it was in the fall of the year though.

Q You don't remember the month? A No sir, I don't know the month.

Q You just happened to run across her father coming up there?

A No sir, I was hunting a horse, some Indian stole from Reuben Hays here.

Q Where was he at that time? A He was camping here by his old master's place home.

Q Where on Grand river? A Yes sir.

Q Down close to the Orphan Asylum? A Right there.

Q Right at the Orphan Asylum? A Yes sir.

Q Was that orphan school there? A No sir, nothing there.

Q Was he in a tent? A Yes sir.

Q Did you see this woman Delilah there then? A Saw a girl there, she was a girl then.

Q How long did you stop and talk to them? A I stopped and talked to them along time.

Q Stay all night there? A No sir, ~~stayed there~~
Q Stopped there an hour or two? A Yes sir, and eat.
Q Did you ~~know~~ notice her there particularly? A Yes sir.
Q She have any children there then? A I think she had one child; ~~she~~ there was a child there and I knowed Daniel's wife was ~~that~~ too old to have one and I took it to be hers.
Q Was it a boy or a girl? A It was a girl. I think, it was ~~that~~ so little, it had a dress on, I don't know what it was exactly.
Q Old enough to talk? A No sir.
Q Walk? A It could stand up by a chair if it had it, it could stand alone.
Q You remember that do you? A Yes sir.
Q You don't know how long Dan had been down there camped? A No sir.
Q That was in the fall? A That was in the fall, to the best of my knowledge.
Q What year was it we took the census before, the Kern-Clifton?
A I don't know what year.
Q What year was it that Wallace took the census? A I can't tell you that, because I do not know.
Q What year is this Jim? A Why you keep asking me something that I don't know, I don't know the years only if somebody tell me.
Q Who told you about this other year? A Ed?
Q Yes? A Lord a Mercy, all the Indians would tell me that.
Q What year was it you drew this last money? A That's the same question; I can't answer it, I don't know.
Q That was a pretty important year to you? A Yes sir, but I don't keep no count of it, all I was after was to get the money, I don't know anything about the year.
Q When did you next see this woman? A I saw her ~~there~~ that same fall here on Big Creek.
Q She living in a house up there? A Yes sir. Little pole house.
Q That was before Christmas was it? A I don't know now exactly; but it was the same fall.
Q Did she have a husband there then? A No sir, she didn't have no husband, and I don't suppose ever had.
Q But you saw her up there that fall? A Yes sir.
Q How far was she living from Peter Ward at that time? A I guess it was 2 miles.
Q You knew Peter Ward then? A Yes sir.
Q He was living up there was he? A Yes sir, he come there before I built my house up there.
Q How long before the war was it you saw this woman? A Before the war?
A Yes? A This wasn't no woman before the war.
Q Well this girl, she is a woman now? A I can't tell, I never noticed children.
Q How far did you live from there? A I lived about 15 miles.
Q From here? A From Lewis Ross.
Q Do you remember positively having seen her before the war?
A Yes sir, seen her when she was a child.
Q You don't know how many years before the war? A No sir.
Q Was it a number of years? A No, I don't think it was a great number.
Q About how long do you suppose it was before the war? A I don't suppose it was more than a year before the war when I first saw her a child.
Q Did you enlist in the army? A Yes sir.
Q Where? A At Little Rock.
Q Arkansas? A Yes sir.
Q Who did you belong to when your time come up? A John All right.
Q Are you the same fellow that Mr. Lind say testified was sold out

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to a white man near Little Rock, - he testified in your case?

A He is the man that testified that I was sold out down the re.

Q Down near Little Rock? A Yes sir.

Q You enlisted in the army at Little Rock? A Yes sir.

MR. SMITH: I object to that, because Mr. Lindsey didn't testify he was sold out, he testified to what John Alberty told him.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant and name not found thereon.

Kem-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:

page 138 #2877 Delilah Rowe, Cooweescoowee District.

page 138 #2882 Louvitha Rowe, Cooweescoowee District.

Wallace roll of citizens of the Cherokee Nation examined for Sophia, and name not found. also examined for Daniel and Eva and names not found.

APPLICANT RE)CALLED, and further examined, by COM'R NEEDLES:

Q Did Sophie go by any other name besides Rowe? A No sir.

Q Is Sophie married? A Yes sir, she is married, she got married last Christmas.

Q Well she must apply for herself if she is married, is Lubertha married? A No sir.

Q Did you draw what is known as Strip money for the Kem-Clifton money, for these children? A No sir.

Q Is Lubertha alive at this time and living with you? A Yes sir.

Q Is Daniel living with you? A Yes sir.

Q Eva? A Yes sir.

Q Harvey? A Yes sir.

Q Sophie, I understand then is married? A Yes sir.

Q Who to? A William Whitwire, and Hattie is married.

Q These children all born in the Cherokee Nation? A All but the oldest one.

Com'r Needles: Delilah Rowe applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896 or the Kem-Clifton roll; she is identified upon the Wallace roll; she applies for the enrollment of four children, to-wit: Lubertha, Daniel, Eva and Harvey; the name of Lubertha is found upon the Wallace roll, and she is duly identified; the names of Daniel, Eva and Harvey are not found upon any of the rolls of the Cherokee Nation; the applicant avers that she was a slave, - as to her citizenship reference is made to the testimony; she makes satisfactory proof as to residence, consequently, Delilah Rowe, her child Lubertha Rowe, and her three children, Daniel, Eva and Harvey, will be listed for enrollment as a Cherokee Freedman on a doubtful card; it will be necessary for her to make satisfactory proof of birth of Daniel, Eva and Harvey, their names not appearing upon any of the rolls of the Cherokee Nation now in the possession of this Commission; the applicant will be duly notified by mail as to the action of the Commission in the premises.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22d day of 1901.

Commissioner.

Q On the same place you are living now? A Yes, sir.
 Q Always lived on a farm? A Been living there since '22.
 Q Five on a farm? A Yes, sir.
 Q And you married? A Not now, my husband is dead.
 Q Your husband is your possession? A No, I guess not, Mr. Rowe took
 it with him.
 Mr. Davenport: Is that letter you spoke of Mr. Rowe having read
 to the jury?
 Mr. Smith: Appoint objects to the testimony with ref-
 erence to the letter, for the reason that the letter itself
 would be the best evidence.
 Q That is the first you have said about a letter since you have
 my husband to read it, he couldn't read writing and my husband couldn't
 a letter when he was living there and Mr. Rowe brought the letter to

in the case of Jackson Davis, D-423.
 Q And the attorney for the applicant, it will be also filed
 cases of Freedom D-749, D-750, D-752, D-837, and at the re-
 quest of the attorney for the applicant, it will be also filed
 Commission: This testimony will be made part of the
 tried in the Jackson Davis case.
 Mr. Smith: I would like to have a copy of this testimony

time and complete transcript of his stenographic notes thereof.
 proceedings and testimony in the above case, and the foregoing is a
 the Commission to the Five Civilized Tribes be correctly recorded and
 Jones C. Jones, being duly sworn, says that an stenographer to

known to and subscribed before me this 28th of October 1901.

Commissioner.

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File with Cherokee Freedman D-742, Delilah Rowe.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 14, 1901.

In the matter of the application of Delilah Rowe et al. for
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Mellette & Smith, attorneys for applicants;
J. S. Davenport, of counsel for Cherokee Nation.

ELIZABETH JANE MORRIS, being duly sworn by Commissioner
Needles, testified as follows:

Mr. Davenport: What is your name? A Elizabeth Jane Morris.

Q How old are you? A I was 60 the 9th of last March.

Q Where do you live? A I live in Lynn County, Stanton Township.

Q What is your postoffice? A Mapleton.

Q How long have you lived in that section of country there in
Kansas, Mrs. Morris? A I have lived there from 1863 up to the pre-
sent time and living there yet when I am at home.

Q Since you have been living there, did you get acquainted with a
colored family by the name of Rowe? A Yes, sir, they were my near
neighbors when we were there.

Q Did you know one by the name of Delilah Rowe? A Yes, sir.

Q Did you know her father? A Yes, sir.

Q What was his name? A Daniel Rowe.

Q When did you get acquainted with this family? A When they first
came there, that was about the close of the war.

Q How far did they live from you? A About half a mile.

Q Well, how long did they continue to live there near you? A They
lived there until they moved to the Territory here.

Q About when was that, if you know, by any circumstances that
could have called that to your attention? A The same year that I
say, in '87, that Mr. Davis left me.

Q Do you know whether or not they came before or after Jack Davis
left that country? A They came before, or at least I got acquainted
with them before.

Q Did they come first or Jack Davis come first? A They came
first, Mr. Rowe came first, located.

Q Why do you say he came first, was there any circumstances?

A Well he moved there and lived there and I near neighbor with him
and I got well acquainted with them and therefore I say he came first.

Q Well, did you ever hear of any correspondence between them any-
way that makes you fix the time or ever know them coming, between
the Rowe family and the Davis family? A After Mr. Davis left there
they corresponded together.

Q What place are you speaking about that he left? A I thought I
told you on Mr. Morris' place, I didn't know of his living on any
other place after I got acquainted with him.

Mr. Smith: How long did you say this Delilah Rowe lived there?

A She lived there all the time her father did, with him.

Q What was her father's name? A Daniel Rowe.

Q Well, how long did he live there? A He lived there at the
close of the war in '63 as near as I can remember.

Q How long did he stay? A Stayed until he moved to the Territory.

Q Well, how long was that? A That was either in '87, in '87 if
it is correct about Mr. Davis, he left the same year as near as I can

he moved in the winter I recollect well, when Mr. Rowe moved, he moved in the winter, I am well aware of that, but I can't tell you exactly whether Mr. Davis moved in the fall or the spring, but Mr. Rowe, he moved in the winter, I have got that affirmed.

Q What time did he come there, in what season of the year was it?

A It was in the spring when Mr. Rowe moved there.

Q Had the war closed? A Well, people was returning home, I guess the war was pretty near closed.

Q When did the war close? A In '65 so it is said.

Q What time? A I can't tell you about what time, they said it closed in '65, but Mr. Rowe, I am satisfied, moved there in the spring.

Q Didn't you tell me a while ago that the war closed in the fall of '65? A That is what I understood, so said.

Q When was it that Mr. Rowe came there, in the fall or spring?

A He came there in the spring, I told you a while ago about the close of the war, there isn't much difference in the fall and spring.

Q Do you know which time of the year he came? A Came along about early planting time.

Q In the spring? A Yes, sir, that is how I know he came in the spring.

Q And the war closed the following fall? A So they said it closed in '65.

Q Well, was it the following fall? A Well I can't tell you, I haven't memory enough, they said it closed in the fall.

Q Well how did you get down here to testify in this case? A Didn't I tell you a gentleman came up there for me, wasn't I subpoenaed to come here and testify, when he came he brought Hamilton as a witness to my testimony, I didn't know at the time who he was but I was told since that he gave his name as a United States deputy.

Q You had no subpoena from the Dawes Commission to come here and testify?

Mr. Davenport: I object to that mode of examination; if the witness is here, she has got a right to come whether she is subpoenaed or not.

Commissioner: It is a circumstance as to the whole matter, but it does not make any difference.

Q What is your answer to that; you didn't have any subpoena from the Dawes Commission to come here and testify? A I don't know anything more about the commission than anything in the world; he came and said he was doing government business.

Q How do you know this is in '67, how are you fixing it this time?

A From the age of my child, that is how I fix it.

Q How many children did you ever have? A I have had five in my life and only two are living.

Q What was the date that the child that you fix this date by was born on? A June 24

Q What year? A 1866.

Q When was the next one born? A It was October 25.

Q What year? A I forget the year now, it is recorded in my bible, it was October 25, I forget the year.

Q How much older was the first child than the second one? A My boy: 7 years older; let's see, I can count that up, my oldest son was born June 24, I was telling you, and the next one I forget the date of the year, but it was October 25, but I forget the date of the year now, but my oldest; I have that; they are both on record right now, but I have forgot the next boy, the date of the year, but I have the day of the month.

Q Well, was it the next year after June 24, '66? A After this next one, no, sir.

Q The next one, not the youngest, the next one? A The one that died, it wasn't more than 2 years between the one that died and this one I was telling you that I have the date of, October 25, there was quite a difference in their ages.

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Q How much? A I can't tell you exactly but I can recollect the date of the month.

Q Can you tell the year when any child was born except the one you have just told me about? A Yes, sir, my oldest girl was born April 28.

Q What year? A That was in '65.

Q April 25? A No, it was April, it wasn't '65, there is two years between my girl and my boy.

Q Well then what year was she born in? A Must have been in '64, wouldn't that make two years.

Q You know, don't you; what was it? A I know there is two years and some weeks.

Q Well, what year was it now? A Must have been in '64 as I told you, must have been, there is two years between the two.

Q Do you swear it was? A I told you about ~~thaxxx~~ as near the truth as I can tell you; if he was born in '66 and he is two years younger than the girl, that would make her born in '64.

Q Now when was your child next to the boy born, what date, next after the boy that was born in '66? A I told you I can't remember the date of the year, I can remember the date of the month, I forget the date of the year, it is in the bible.

Q Outside of these two you have been talking about, you can't give the dates when any one of the other three children were born, can you? A I can remember the dates of three of them.

Q Well, what about the others, do you know what years they were born in? A My oldest child was born the 28th of August.

Q What year? A I will tell you in a minute, if you wont hurry me: '57, the birth of my oldest child, it is dead, she was born August 28 of 1857, understand.

Q How many years was that before the war? A Four years isn't it, close onto.

Q Now when did you first know this woman with reference to the time your child was born? A Who, Delilah?

Q Yes; when did you first know her with reference to the time the child was born, the one that was born in '66? A I got acquainted with her of course when her father first moved to the country, she was a little girl when her father first moved and settled where he lived.

Q Well, when did you say that was? A I told you it was right about the close of the war.

Q About the close of the war; you don't know whether it was before or after? A Must have been after, because the colored people was liberated.

Q You don't know how long though? A They come there in the spring as I told you right in planting time because they came to our house to speak for some potatoes to plant, that was the first visit he made us after he moved up there.

Q How far did he live from you? A Not more than a mile, right in sight.

Q How long did he live on that place? A Lived there until he moved to the Territory.

Q How long was that? A Well, as I told you, they came the year, or the year after, that Mr. Davis came.

Q This woman was just a child then? A When they first moved there she was a little girl.

Q Well, was she a little girl when they moved away? A No, she was a mother, she got to be a woman because her child was born there because I am the one that took care of her.

Q You say Delilah was a little girl when she came there? A Well, a small girl.

Q And she moved away? A She came away with her father.

Q When was that, in '67? A I think it was in '67.

Q And she was a little girl when she went there? A When her father moved on the place there.

Q That was the spring after the war closed? A When they moved

there, yes.

Q And moved away in '67, and she was a little girl when she came there; is that right? A She was a little girl when she came there.

Q Now what was it you said about being a young woman when she went away? A She was a mother, she must have been a woman, she had that child before she moved away.

Q She did? A Yes, had that child living right up there where they lived all the time they were up there.

Q About how many years old do you think she was when they came there about the time the war closed? A Well, she might have been 10, 11, somewhere along there..

Q You think she was as much as 10? A I can't say, it is just guess work; of course she might have been more than that.

Q How old did she appear to be when she had this child, was she a young woman? A She was old enough to be a mother, I can't tell you anything about that.

Q Did she look like she was a fully developed and matured woman?

A She was large enough in size but I don't know what her age was.

Mr. Bevenport: She was large enough to give birth to and raise a child. A Well, she had it, because I was with her when she child was born and took care of it.

Commissioner: What was Delilah Rowe's father's name? A Daniel Rowe.

Q You say she lived in Kansas with him in the winter of '67? A No, it was '67 when they left.

Q Maybe it was the winter of '66 then? A No, it wasn't '66 because Mr. Davis hadn't moved in '66 and he didn't go down till after Mr. Davis moved down.

Q You said that he came down before Mr. Davis, one time; you said something about Mr. Davis coming down, you said that he came down to the Nation to get his wife, didn't you say something about that; you said Mr. Rowe, the father of Delilah moved down before Davis did, and that he moved down in the winter of '67? A Davis moved first, didn't I tell you; you have got it wrong; didn't I tell you Mr. Davis moved down and wrote to Mr. Rowe a letter.

Q You say now that David moved before Rowe, do you? A Of course he did.

Q How long before? A Well, I can't tell you how long.

Q Well, didn't you say in your examination that Davis moved down you think in the winter of '67? A I said that is what I thought, I wouldn't be positive.

Q Sometime during the winter? A Yes, the fall.

Q You don't know whether it was the first part of the last part?

A No, I can't say for certain.

Q Couldn't it have been the last part of the winter of '66; you know the winter is in '66 and '67? A That is what I know, but didn't I tell you I know by my child was born in '66 and didn't I tell you the child could walk and didn't I come down to tell Mr. Davis good-bye, the child walked part of the way and that was in '67, that is what I told you in plain words, that Mr. Davis was there in '66 and '67.

Q What time was the child born? A The child was born seems to me the latter part of the winter or spring.

Q Latter part of the winter or spring of what? '66? A No, the year after he moved down.

Q I am talking about this child that you say could walk? A That is my child.

Q That is what I am talking about? A Didn't I tell you all the time he was born in '66.

Q What month? A The 24th of June, 1866.

Q How old does a child have to be up there before it is old enough to walk? A They generally walk sometimes inside of a year, I would give a child a year; I told you in plain words the child was born on June 24, 1866, and if he would walk, would make it throw him into '67, I told you that Mr. Davis moved down first and wrote to Mr. Rowe

- 5 -

a letter when he was living there and Mr. Rowe brought the latter to my husband to read it, he couldn't read writing and my husband could.

Q That is the first you have said about a letter since you have been under examination in this case? A Well, that was the way of it.

Mr. Smith: Applicant objects to the testimony with reference to the letter, for the reason that the letter itself would be the best evidence.

Mr. Davenport: Is that letter you spoke of Mr. Rowe having read by your husband in your possession? A No, I guess not, Mr. Rowe took it with him.

Commissioner: Are you married? A Not now, my husband is dead.

Q Live on a farm? A Yes, sir.

Q Always lived on a farm? A Been living there since '62.

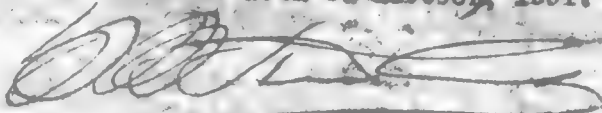
Q On the same place you are living now? A Yes, sir.

Mr. Smith: I would like to have a copy of this testimony filed in the Jack Davis case.

Commissioner: This testimony will be made part of the cases of Freedman D-749, D-750, D-752, D-837, and at the request of the attorney for the applicant, it will be also filed in the case of Jackson Davis, D-453.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 28th of October, 1901.



Commissioner.

in the case of the Cherokee Nation, on file in the case of the Cherokee Nation it is to the counsel of the Cherokee Nation it is

W. W. Hastings

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make their case before the Commission and that notice was given them all of the agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that under the rule of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to either be closed or should be closed by the Commission, and that no extensions should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 31st day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file the settled copies of the proceedings of the said Court is denied.

1901

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had in the above case, and that the foregoing is a true and correct transcript of the stenographic notes furnished.

(Signed) E. G. Rothenshager.

Subscribed and sworn to before me this 24th day of June, 1902.

(Signed) E. G. Rothenshager,
Notary Public.

(SEAL)

I, E. C. Rawall, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and correct copy of the original testimony in the above entitled case as filed with the Commission, which copy was made by me.

E. C. Rawall

Subscribed and sworn to before me this 29th July, 1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, L. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment
as a Cherokee Freedman:

Applicant appears by Mellette A. Smith; Cherokee Nation, by
W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Hosey Whitmore, Trustee for the Freedmen, vs The Cherokee Nation,
No. 17208 filed in the Mariak Hayden case D P 453, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Mariak Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Malila Bay, D 948;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-
duction of the decrees because, First: It does not tend to show
that the applicant was a slave of the Cherokee Nation at the
beginning of the war, nor that he returned within the time specified
in the treaty of 1866, or that he had been a continuous resident
of the Cherokee Nation since that time, or that he is a descendant
of such a person. Second: Because the same is incompetent, irrele-
vant and immaterial, and does not tend to prove an issue in this
case. Third: Because the Commission will take judicial knowledge
of all laws, treaties and decrees necessary for the determination
of the right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same is
called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be
entertained and the decree of the Court of Claims filed in the case
of Mariak Hayden will be made a part of the record by reference in
all the cases above named with the exception of those which come
within the provisions of the temporary injunction recently granted
by Judge Gail of the United States Court, of the Northern District,
Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named
cases including the Mariak Hayden case that counsel for the appli-
cant be allowed within thirty days to file any of the proof of any
or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. G. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. G. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Delilah Rowe, et al., as Cherokee Freedmen, consolidating the appli-
cations of

Delilah Rowe, et al.,....	Cherokee Freedmen D	748
Hattie Thornton,.....	"	D 749
Eddie Rowe,.....	"	D 750
Fred Rowe,.....	"	D 837
Belle Rowe,.....	"	D 1118

-D E C I S I O N-

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Delilah Rowe for herself and her minor children, Leuberttha, Daniel, Eva and Harvey Rowe; by Hattie Thornton for herself; by Eddie Rowe for himself; by Fred Rowe for himself; and by Belle Rowe for herself.

The evidence shows that the principal applicant, Delilah Rowe, was the slave of a Cherokee citizen at the commencement of the rebellion; that she left the Cherokee Nation and went to Kansas during the rebellion. She testifies that upon her return to the said Nation after the rebellion she found Peter Ward residing there. It has been found in the case of Peter Ward, et al., Cherokee Freedmen D 613, that he (Peter Ward) did not return to and establish his residence in the Cherokee Nation until after the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation. This circumstance, taken in connection with the other evidence in the cases now under consideration, is deemed to establish the fact that the said Delilah Rowe did not return to the Cherokee Nation within the time specified in said decree.

It further appears that all the other applicants herein were born since the commencement of the rebellion; and that they are the descendants of Delilah Rowe claiming right to enrollment through her as such descendants. None of the names of the following persons, who are shown by the evidence or by other records of the Commission to be the fathers of certain of the applicants herein, are found on the 1880 authenticated Cherokee roll, to-wit:

Andrew Thompson, father of Leuberttha, Daniel and Fred Rowe;
Ben Ward, father of Eva and Harvey Rowe; Ed Brown, father of Hattie Thornton; Beliver Watkins, father of Eddie Rowe; and John Tyler, father of Belle Rowe; and an examination of the records of the Commission shows that none of said persons have ever made application

to this Commission for enrollment as Cherokee Freedmen, and in the absence of any evidence showing that they, or either of them, have any rights to enrollment as Cherokee Freedmen, it is considered that they possessed no such rights. Hence, all the applicants herein claiming through Delilah Rowe have no other rights to enrollment except as her descendants.

None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Delilah Rowe, Leubertha Rowe, Daniel Rowe, Eva Rowe, Harvey Rowe, Mattie Thornton, Eddie Rowe, Fred Rowe and Belle Rowe as Cherokee Freedmen should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
this MAR 11 1904

77648

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FILED
MAR 22 1902

[Signature]
ACTING CHAIRMAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

W. B. BULLOCK, Rowe,

W. B. BULLOCK, I. T.

W. B. BULLOCK-F-B-743.

W. B. BULLOCK.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

F. D. 748

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190.....

Given under my hand this.....
day of A. D. 190.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

..... day of 190.....

Attorney for Applicant

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190.....

Subscribed and sworn to before me
this

Notary Public.

FILED
23 1902

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Delilah Rowe,
for enrollment as Cherokee Freedmen:
Case No. F. D. 748

To Delilah Rowe or Helleste & Smith her attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on April 25, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 21, 1902.

L B Bell

*W. M. Hastings
Jas. Davenport*

Attorneys for the Cherokee Nation.

FD 778

X

D.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190.....

Given under my hand this.....
day of..... A. D. 190.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

day of SEP 23 1901, 190.....

Mulatto S. Smith
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190.....

Subscribed and sworn to before me

this

DEPARTMENT OF THE INTERIOR, Public.
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 25 1901

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Delilah Rowe
for enrollment as Cherokee citizens:
Case No. D. 748

To Delilah Rowe or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, on Oct. 23d 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 11.9.01

L. B. Bell
N. G. Hastings
Attorneys for the Cherokee Nation.

INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

AUG 3-1906


Commissioner

AFFIDAVIT.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY (ss.
NORTHERN DISTRICT)

On this 3 day of August, 1906, personally appeared before me, the undersigned Notary Public within and for the Northern District of the Indian Territory, DELILAH ROWE, of lawful age, who being first duly sworn, on her oath deposes and says that she is the principal applicant in this consolidated case; that this Motion for a rehearing is made in good faith and not for the purposes of delay but in order that justice might be done. At the former trial of this cause I did not know of the existence of the testimony in Kansas which is set out in my original Motion, nor did I know of the existence of the testimony of the witnesses whose affidavits are attached to said Motion; that the same is newly discovered and I believe is material to my case; that by these witnesses I expect to prove the very point in issue in my case, that I returned to the Cherokee Nation and established my residence therein in the fall of the year of 1886. I made inquiry and searched all that it was possible for me to do at the former trial of this case but at that time I was unable to find this testimony, and I have only learned of this testimony within the past few months and have found it since the Decision adverse to me was rendered in this case.

Wherefore, I pray that my case be remanded and that I be granted a rehearing.

(Signed) Delilah Rowe. _____

Subscribed and sworn to before me this 3 day of August, 1906

W. T. Graham. _____

NOTARY PUBLIC.

My commission expires 11 Sept 1909.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT . . .

Personally appeared before me, the undersigned Notary Public,
within and for the Northern District of the Indian Territory, John W. Rowe,
who being duly sworn, deposes and says:
My name is John W. Rowe, my father is John W. Rowe, and my home is in the Cherokee
Indian Territory. I am a well known Freedmen Citizen of the Cherokee
Nation, and my name is on the 1880 roll, and I have received an allot-
ment of land in the Cherokee Nation.

I am acquainted with John W. Rowe, Delila Rowe, and I know of John
Dan Rowe. I know that Dan Rowe came to the Cherokee Nation from
a place, that is built in Kansas in 1860, and then went back to
Kansas and returned to the Cherokee Nation and settled with his family
on the place he built on Big Creek in 1865; he so lived on the place
on Big Creek in the spring of 1866. I saw him there and talked with
him, and I know that he was there and continuously lived there,
until he was killed on his place on Big Creek in the fall of 1866.
I have no interest whatever in this case.

Subscribed and sworn to before me this 1st day of October, 1880.

(SEAL)

JOHN A. ELDER

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT . SS.

Personally appeared before me the undersigned Notary Public within and for the Northern District of the Indian Territory, Dunk Vann who being duly sworn on his oath says:

"My name is Dunk Vann, my age is 56 years, and my post office is Lemapah Indian Territory. I am a duly enrolled Freedman Citizen of the Cherokee Nation, and my name is on the 1880 roll, and I have received my allotment of land in the Cherokee Nation.

I am acquainted with the applicant, Delila Rowe, and I knew her father Dan Rowe. I know that Dan Rowe came to the Cherokee Nation and made him a place, that is built him a house in 1865, and then went back to Kansas and returned to the Cherokee Nation and settled with his family on the place he had made on Big Creek in 1865; he settled on this place on Big Creek in the spring of 1866. I saw him myself and talked with him, and I know that he permanently and continuously remained here, after he settled on his place on Big Creek in the Spring of 1866. I have no interest whatever in this case.

Dunk Vann

Subscribed and sworn to before me this 20th day of September, 1906.

(SFAL)

John A. Kidd

Notary Public.

MISSIONARY BOARD FOR THE CIVIL AND TRUTH

FILED

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COMMISSIONER

...the same thing...

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion for a rehearing of the application for the enrollment of Delilah Rowe, et al., as Cherokee freedmen, consolidating the applications of,

Delilah Rowe, et al.
Hattie Thornton
Eddie Rowe
Fred Rowe
Belle Rowe

Cherokee freedmen D 748,
Cherokee Freedmen D 749,
Cherokee Freedmen D 750,
Cherokee Freedmen D 837,
Cherokee freedmen D 1118.

Reply of the Cherokee Nation.

The records in this case show that the principal applicant, Delilah Rowe, appeared before the Commission to the Five Civilized Tribes on June 18, 1901, at Nowata, I. T., and made application for herself and her minor children and that the other applicants herein are her children or grandchildren for whom application was subsequently made to the Commission. The record further shows that they were represented by Mellette & Smith when they first appeared before the commission and that they examined the applicants and other witnesses and cross-examined the witnesses introduced on behalf of the Cherokee Nation. The record further shows that the Commission to the Five Civilized Tribes on March 11, 1904, rendered a decision rejecting all of the applicants herein which decision was signed by all of the members of the Commission. As to questions of fact the decision found:

"The evidence shows that the principal applicant Delilah Rowe was a slave of a Cherokee citizen at the commencement of the Rebellion; that she left the Cherokee Nation and went to Kansas during the war. She testified that upon her return to the said Nation after the Rebellion she found Peter Ward residing there. It has been found in the case of Peter Ward, et al., Cherokee Freedmen D 613, that he (Peter Ward) did not return to and establish his residence in the Cherokee Nation until after the time specified in the decree of the Court of Claims rendered on February 3, 1896. This circumstance taken in connection with the other evidence in the cases now under consideration is deemed to establish the fact that the said Delilah Rowe did not return to the Cherokee Nation within the time specified in said decree."

This judgment of the Commission rejecting the applicant was affirmed by the Secretary of the Interior on October 18, 1904. Attorneys for applicants now file a motion for a rehearing and assert no reasons in the motion why except that it is claimed that they can prove certain facts by

certain witnesses whose names are given, which would tend to show that the applicants returned to the Cherokee Nation within the time prescribed by the treaty. There is no allegation in the motion of diligence, there is no reason assigned why the motion was not sooner made, in fact no showing that any effort was made except that Eddie Rowe in an attached affidavit states that he did not know of the existence of the testimony, but it certainly is not enough for one to say that they did not know of the existence of certain testimony, but it must be set up either in the motion or the attached affidavits what the applicants did, so as to permit the Department to pass upon the question as to whether or not any diligence was used by or on behalf of the applicants. It would not be sufficient for applicants to allege diligence, but they must allege the things done so that the Commissioner to the Five Civilized Tribes and the Department on review could pass upon the facts and say whether or not they constituted due diligence. There is also an affidavit of Mariah French attached, which is stereotyped. She is not a citizen herself and was not living in the neighborhood of Lenapah in 1866. She is now only 54 years of age, and without some special reason for her remembering it, she could not recall forty years thereafter what happened when she was only fourteen years of age. The same is true of the next witness, Stephen Little. He is not a citizen of the Cherokee Nation and was not living in the Cherokee nation at the time he signs his name by ex mark, and he does not attempt to give details, but only states the effect of his testimony which is insufficient. He is thoroughly discredited in the case of Mary A. Riley, P. D. 957, wherein he was contradicted, this case being rejected by the Commission to the Five Civilized Tribes and affirmed by the Department, and he was also discredited in the case of Cynthia Ross, particularly before the Commissioner to the Five Civilized Tribes only a few days ago. They attempt to have the next colored man, George Melton, say: "I saw her living in the Cherokee Nation before February 11, 1867." He does not say where she lived. Certainly this affidavit gives no information. We might have an affidavit at all as well as to state the effect of the testimony, instead of details of the testimony, so as to

put the Cherokee Nation upon its guard as to what was intended to be introduced. Again, George Melton is only 50 years of age, and was born in 1856; he was therefore only 10 years of age in 1866, and it is highly incredible that he, an ignorant colored boy, would for forty years remember the exact date of the return of these applicants, particularly when there is nothing to impress it particularly upon his mind. As to the other witnesses, they have no affidavits attached and we feel sure that the Department will not take the alleged statements into consideration in view of the ruling of the Department in the Cella Kirkpatrick case (I.T.D. 7744 and 7514-1904), wherein the Department held on January 19, 1905:

"The department does not feel warranted in remanding the case upon the motion of said attorneys unsupported by the affidavits of the witnesses whose testimony they desire to introduce."

We think this a good decision, but we think the department should go further and hold that attorneys, if they are really in good faith, should be required to give all of the details about which the witness is expected to testify and fully set them forth in the affidavit attached. It can readily be seen by an inspection of these affidavits that the attorney for the Cherokee Nation is not advised as to what section of the Cherokee Nation it is claimed the applicants returned. The affidavits do not state with whom they returned, the affidavits do not state the time of the year they returned distinctly. It will be remembered that the Cherokee Nation is some 100 or 200 miles long and wide and no one upon these statements could go in search of testimony to refute them until after they are introduced upon the stand.

But lets examine the original testimony in this case with a view of seeing whether or not there is any merit in this motion for a rehearing and whether or not it was actually made in good faith. Delilah Rowe in her original statement said that she was about 50 years of age, and that her postoffice was Wimer, and she testified that she returned to the Cherokee Nation with her father, Daniel Rowe, and that she came to a section known as Big Creek, and she describes a number of people who were living upon Big Creek when she came there, and, among others, this question was asked:

"Q. Peter Ward was living up there when you went there? A. Yes sir.
"Q. Did Peter Ward have a house when you came there? A. Yes sir, they built log houses."

Now attention is invited to the fact that in the case of this Peter Ward, F. D. 613, the Commission consolidated it with the Peter Hudson case F. D. 604, rejecting Peter Ward and all the members of his family, and this rejection was affirmed by the Secretary of the Interior. The testimony in the Ward case was thoroughly convincing that he never left Mound City, Kansas, until the summer or fall of 1869. The Commission to the Five Civilized Tribes in its decision in this case refers to the fact that Delilah Rowe testifies that upon her return to the said Nation after the rebellion she found Peter Ward residing there. "It has been found in the case of Peter Ward, et al., F. D. 613, that he did not return to and establish a residence in the Cherokee Nation until after the time specified in the decree of the Court of Claims rendered February 3, 1896." But you will also note that she not only testified that Peter Ward had returned, but that he had built a house and was living in one and it was therefore some time after Peter Ward's return.

Another circumstance that we desire to call attention to is that it is admitted that her son, Eddie, was convicted in the United States Court at Fort Smith, Arkansas, of receiving stolen property of William Martin, Jr., who was a Cherokee by blood and a citizen of the Cherokee Nation. Not it will be remembered that the United States Court at Fort Smith had jurisdiction of criminal cases only where one or both parties was a citizen of the United States, and if young Martin was a Cherokee by blood and a citizen of the Cherokee Nation as is admitted in this case, then of course the Court must have judicially found that Eddie Rowe was not a citizen of the Cherokee Nation and that therefore he and his mother did not return to the Cherokee Nation within the time to give them citizenship under the 9th Article of the treaty of 1866. It is positively certain of course that if Eddie Rowe had been a citizen of the Cherokee Nation he would have raised that question, because it went to the jurisdiction of the United States Court at Fort Smith. Read his testimony and see how unsatisfactory it is, He will not say that he saw the applicant in the fall of 1866, although the attorney for the applicants practically put

these words in his mouth, but on cross-examination this question was asked him:

"Q. You are not willing to testify just what year you saw her down on Grand river? A No, sir.

"Q. You are not positive as to the exact number of months after you returned until you saw her down there? A No, sir, I couldn't tell exactly?

Now, the truth is this same Mose Riley is upon Freedmen Doubtful card 258, and he has been rejected by the Commission to the Five Civilized Tribes as not having returned within the time himself. The applicant admits of course by introducing Mose Riley upon the stand as her witness that Mose Riley returned before the applicants themselves. The next witness for the applicants is Jim Alberty. Now this is the famous James Alberty commonly known as Sheep Jim. He was a standing witness before the Commission and testified in a great many cases, and the Commission to the Five Civilized Tribes and all of the clerks know of him, and they know that he is thoroughly disreputable. He was rejected himself. Attention is invited also to the fact that the department has found in the case of Daniel Whitmire, F. D. 434, Luella Snaden, F. D. 997, and George Meigs, consolidated with Elizabeth Meigs, F. D. 391, and other cases, that the first families, including the Webbers, Whitmires and Sanders, did not come back to the section of the country known as the Big Creek country until the spring of 1867; that none of them, except some of the men folks, came back in the fall of 1866, and that none of them were living there in houses in the fall of 1866; therefore, the applicants could not have come to any houses in the fall of 1866, and if there were houses there it was after 1866.

Special attention is also invited to the fact that Delilah Rowe testifies that Phyllis Whitmire was there when she returned. In answer to this question "Who were neighbors when you first located there?" Delilah Rowe said "When we first located there that was all just fresh settled; there was Aunt Phyllis Whitmire, and Uncle Mike and Mark Whitmire and old Andy Daugherty, there was a good many of them."

By reference to Freedmen Doubtful 431, it will be seen that this same Phyllis Whitmire was rejected by the Commission to the Five Civilized Tribes July 10, 1903, and her rejection was affirmed May 23, 1904, and no

motion to reopen has been filed in said case. In the light of this testimony certainly we are justified in saying that there is no merit in the motion of applicants to reopen this case. The Cherokee Nation, however, relied upon the conviction of Eddie Rowe in the federal court to show that the federal court assumed jurisdiction over him, and the aggrieved party being a Cherokee Indian, this was a judicial finding that Eddie Rowe was not a citizen. It also relied upon the statement of the principal applicant as to who she saw in the Cherokee Nation at the time she returned, because it is only in that way that it can be determined at what date some people returned forty years ago. The Department will remember that a great many of these freedmen claimed to have returned in bunches, and while we have no witnesses to identify certain individuals of the bunch, yet it is oftentimes not difficult to get witnesses to identify the time the crowd returned of which the individual was a part. It has been clearly shown that Peter Ward did not return and it has been shown that Phyllis Whitmire did not return and in fact the Department has found that no women and children returned prior to the last of February or the first of March, 1867, to this section of the country known as the Big Creek country, and it found in the cases hereinabove cited. The Cherokee Nation also introduced Elizabeth J. Meyers, who testified as to knowing Delilah Rowe. She knew her father and she knew her when the child Eddie was born, and she testifies that Delilah Rowe did not come to the Cherokee Nation in 1866.

We submit that the record abundantly justifies the decision of the Commission rejecting the applicants and the decision of the Department affirming said rejection.

We have taken occasion to call the attention of the Department in numerous cases already as to what should be set up in a motion for a rehearing upon the ground of newly discovered testimony. We have collected authorities from all of the decisions of the Supreme Court of Arkansas, and cited them in our reply brief in the Sam Landrum case, F. D. 292, but we desire to call the attention of the Department to the rule laid down in Cherokee Allotment Contest No. 712, decided by the Commissioner to the Five Civilized Tribes on June 6, 1906, wherein the Commissioner held:

"The rule is general that a new trial or rehearing will not be granted on a mere showing that new evidence has been discovered. Newly discovered evidence in order to be sufficient must possess the following requisites:

- (a) It must be such as would probably change the result if a new trial is granted.
- (b) It must be discovered since the trial.
- (c) It must be such as could not have been discovered before the trial by the exercise of due diligence.
- (d) It must be material to the issues.
- (e) It must not be merely cumulative to the former evidence.
- (f) It must not be merely impeaching or contradicting the former evidence."

In support of this decision is cited the following from Moore versus Larney, Creek No. 49:

"In motions for rehearing resting on newly discovered evidence it should be shown that said evidence could not be discovered by due diligence, and the facts showing such diligence should appear." 6 L. D. 9; 7 L. D. 136; 10 L. D. 483; 18 L. D. 31; 191 L. D. 543.

These decisions are supported by all of the Arkansas decisions upon the three main questions, namely, the testimony must be material, and it must be such as would probably change the result; it must not be cumulative; and not only must there have been diligence, but the facts which go to show the diligence must be fully set out, and in support of this we desire to cite the following decision from the Supreme Court of Arkansas, Burris versus Wise, 2 Ark. 33, where the question of what is necessary to embody in a motion for a new trial is thoroughly gone into. 2 Ark. 45, 23 Ark. 46; 5 Ark. 405; 10 Ark. 558; 11 Ark. 671; 13 Ark. 360; 17 Ark. 403; 25 Ark. 89; 25 Ark. 334; 25 Ark. 380; 26 Ark. 121; 30 Ark. 724; 38 Ark. 514; 52 Ark. 120; 55 Ark. 312; 60 Ark. 481; 84 Southwestern 728. All of these decisions sustain the decision of the Commissioner to the Five Civilized Tribes in Cherokee Allotment Contest No. 712, and in the case of Moore versus Larney, Creek No. 49.

Certainly it cannot be contended that the evidence would not be merely cumulative of the witnesses expected to be introduced, because the question of ownership and return were thoroughly gone into and witnesses testified as to that, and every decision hereinabove quoted is to the effect that motions for a new trial will not be granted upon evidence merely cumulative to the former evidence.

We submit therefore that the decision of the Commission to the Five

Civilized Tribes and of the Department rejecting these applicants was correct and that for the reasons hereinabove stated, namely, that the motion is without merit, that the evidence would only be cumulative, and that no diligence is shown, the motion for a rehearing in this case should be denied.

Respectfully submitted,

W. W. Hastings
Attorney for the Cherokee Nation.

CHIEF OF BUREAU

The enclosed report contains a list of names of persons who have been

admitted to the Bureau since January 1, 1905, and I have the honor to

acknowledge the receipt of your letter of the 14th inst. in relation

to the matter of the admission of persons to the Bureau.

I have the honor to acknowledge the receipt of your letter of the 14th inst.

in relation to the matter of the admission of persons to the Bureau.

I have the honor to acknowledge the receipt of your letter of the 14th inst.

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I have the honor to acknowledge the receipt of your letter of the 14th inst.

JUN 25 1906

JCA

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Delilah Rowe, et al., as Cherokee Freedmen, consolidating the applications of -----

Delilah Rowe, et al.,	Cherokee Freedmen D 748,
Hattie Thorntoh,	Cherokee Freedmen D 749,
Eddie Rowe	Cherokee Freedmen D 750,
Fred Rowe	Cherokee Freedmen D 837,
Belle Rowe	Cherokee Freedmen D 1118.

M O T I O N.

Comes now the applicants and move that the affidavits hereto attached are filed and made a part of the record in support of the Motion of applicants for a rehearing in these cases.

Applicants also have a number of witnesses they will produce at the rehearing of this case to show that witness Elizabeth Jane Morris is a disreputable, ignorant colored woman and is entirely unworthy of belief.

Respectfully,

Starr & Patten

ATTORNEYS FOR APPLICANTS.

AFFIDAVIT.

STATE OF KANSAS)
COUNTY OF BOURBON) SS.

On this 17 day of July, A. D., 1906, personally appeared before me, the undersigned Justice of Peace within and for the County and State aforesaid, ZACK DAVIS, of lawful age, who being first duly sworn, on his oath says:-

"My name is ZACK DAVIS. My age is 54 years and my Post Office is Mapleton, Kansas. I was acquainted with Daniel Rowe and his daughter, Delilah Rowe, after the close of the Civil War. I lived in the same community that they lived in and I know that they left this community and went to the Cherokee Nation, Indian Territory in the year of 1866 and never lived here after the year of 1866."

ZACK DAVIS

Subscribed and sworn to before me this 17 day of July, 1906.

H. T. YOUNG

NOTARY PUBLIC.
A JUSTICE OF THE PEACE

My commission expires 1906

AFFIDAVIT.

STATE OF KANSAS }
COUNTY OF FRANKLIN } SS.

On this 13th day of July, A. D., 1906, personally appeared before me, the undersigned Notary Public within and for the County of Franklin and State aforesaid, ISAAC ~~XXX~~ SHIELDS, of lawful age, who being first duly sworn, on his oath says:-

Isaac
"My name is ~~Isaac~~ Shields. My age is 59 years and my Post Office is Ottawa, Franklin County, Kansas. I went from Leavenworth, Kansas to Mapleton, Kansas in 1866 and lived there for a number of years thereafter. I know the applicant, Delilah Rowe, and I knew her father, Daniel Rowe. I know that he left Mapleton in the fall of 1866 and went ~~xx~~ to the Cherokee Nation, Indian Territory. Daniel Rowe and the members of his family had only a short time within which to move to the Cherokee Nation and they left within the six months given them by the Treaty in order to get Homes in the Cherokee nation."

Witness to mark.

H. B. Paramore

ISAAC ^{his} x SHIELDS
mark

Subscribed and sworn to before me this 13th day of July, 1906.

J. E. SHINN

(SEAL)

NOTARY PUBLIC.

My commission expires Oct. 18th-1909.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Delilah Rowe et al., as Cherokee Freedmen, consolidating the applications of-----

Delilah Rowe et al.,	Cherokee Freedmen D 748, 712709
Hattie Thornton,	Cherokee Freedmen D 749, " 710
Eddie Rowe	Cherokee Freedmen D 750, " 711
Fred Rowe	Cherokee Freedmen D 837, " 752
Belle Rowe	Cherokee Freedmen D 1118.

MOTION FOR REHEARING.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Delilah Rowe for herself and her minor children, Loubbertha, Daniel, Eva and Harvey Rowe; by Hattie Thornton for herself; by Eddie Rowe for himself; by Fred Rowe for himself; and by Belle Rowe for herself.

The evidence shows that the principal applicant, Delilah Rowe, was the slave of a Cherokee Citizen at the commencement of the rebellion; that she left the Cherokee Nation and went to Kansas during the rebellion; and that all of the other applicants were born since the commencement of the rebellion and are the descendants of Delilah Rowe, claiming right to enrollment through her as such descendants.

The Applicants now move the Department to remand this case to the Honorable Commissioner to the Five Civilized Tribes for rehearing and to rescind its decision affirming the Commission's Decision of March 11, 1904 and grant the applicants an opportunity to prove that Delilah Rowe left Kansas in the fall of 1866 with her father and came to the Cherokee Nation, Indian Territory and established her residence therein, and that she has lived in the Cherokee Nation continuously since the fall of 1866.

By reason of the provision in Section One of the Act of Congress approved April 26, 1906 allowing applicants in these case only sixty days time within which to file Motions for rehearing with the Commissioner to the Five Civilized Tribes, we are filing this Motion and

ask leave for permission to file affidavits in support of same within a reasonable time.

The applicants have the following witnesses by which they expect to prove that Delilah Rowe came to the Cherokee Nation and established her residence therein prior to February 11, 1867, to-wit:

By Ed. Young of Lynn County Kansas, applicants expect to prove that said Young has lived since the fall of 1866 with in one-half mile of the Thomas Hamilton place, which is the place shown by the record in this case to have been the place where the Cherokee Nation contends that Delilah Rowe lived when she was in Kansas. The applicant expects to prove by said witness that, when witness moved to his home within one-half mile of this place in November, 1866, that Delilah Rowe nor her father were not then living there and that they had at that time gone to the Cherokee Nation, Indian Territory; and that neither Delilah Rowe nor her father have lived in that community since the fall of 1866; that the witness is well acquainted in that community and was well acquainted there during the winter of 1866 and the Spring of 1867 and know that, ^{neither} the applicant nor her father lived there then.

By M. T. Young applicants expect to prove that M. T. Young lives on the farm which joins the Tom Hamilton farm, same being the farm that Daniel Rowe and his daughter, Delilah Rowe, lived on while in Kansas; that the witness has lived on the farm joining said farm since the 12th day of November, 1866 and that neither Daniel Rowe nor his daughter, Delilah Rowe, has ever lived in that vicinity since the witness came to said place on November 12, 1866; and that the said Daniel Rowe and his daughter, Delilah Rowe, had gone to the Cherokee Nation prior to the time the witness came on to said place.

By Zack Davis of Lynn County, Kansas, applicants expect to prove that Zack Davis was well acquainted with Delilah Rowe and Daniel Rowe, her father; that at the close of the Civil War he lived in the same community where they lived; and that he knows that they left this community and went to the Cherokee Nation, Indian Territory in the year of 1866 and never lived in Kansas after the year of 1866.

By Theodore Davis applicants expect to prove that witness was well acquainted with applicant, Delilah Rowe, and her father, Daniel Rowe, after the close of the Civil War; that witness lived in the same community that they lived in in Kansas; and that witness knows that Daniel Rowe and his daughter, Delilah Rowe, left that community in 1866 and came to the Cherokee Nation, Indian Territory.

By Isaac Shields of Franklin County, Kansas applicants expect to prove that witness went from Leavenworth, Kansas to Mapleton Kansas in 1868 and lived around Mapleton for a number of years thereafter; that he was well acquainted with Delilah Rowe and her father, Daniel Rowe; and that witness knows that both Delilah Rowe and her father, Daniel Rowe, left Mapleton in the fall of 1866 and went to the Cherokee Nation, Indian Territory.

By Ed. Wilson applicants expect to prove that witness lived near Mapleton, Kansas in the fall of 1866 and he knows that Delilah Rowe and her father, Daniel Rowe, left there and went to the Cherokee Nation, Indian Territory and was never seen back around Mapleton, Kansas at any time thereafter.

Applicants have other witnesses by whom they expect to prove the same statement of facts.

Starr & Patten

ATTORNEYS FOR APPLICANTS.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY } ss.
WESTERN DISTRICT }

J. C. STARR, of lawful age, being first duly sworn, on his oath deposes and says that he is one of the Attorneys for applicants in the above entitled case and that this Motion is made in good faith not for the purposes of delay, but in order that justice might be done.

J. C. Starr

Subscribed and sworn to before me this 16th day of June, A. D., 1906.

Jessie Patten

NOTARY PUBLIC.

My commission expires December 16, 1906.

A F F I D A V I T.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY } SS.
WESTERN DISTRICT }

On this 20th day of June, A. D., 1906, personally appeared before me, the undersigned, a Notary Public duly commissioned and acting within and for the Western District of the Indian Territory, **EDDIE ROWE**, of lawful age, who being first duly sworn, on his oath deposes and says that he is one of the applicants in the Consolidated Cases of Delilah Rowe et al, Cherokee Freedmen; that this Motion for a rehearing is made in good faith and not for the purposes of delay but in order that justice may be done; that at the former trial of this case he did not know of the existence of the testimony in Kansas which is set out in the foregoing Motion, nor did he know of the existence of the Testimony of the witnesses whose affidavits are attached to said Motion; that the same is all newly discovered and he believes it is material to his case; that by these witnesses he expects to prove the very point in issue, to-wit 'That his Mother returned to the Cherokee Nation and established her residence therein in the fall of the year of 1866'; that he made inquiry for this testimony at the former trial of this case but at that time was unable to find it; and that he has only learned that said testimony existed since the Decision was rendered adverse to him in this case.

Eddie Rowe

Subscribed and sworn to before me this 20th day of June, 1906.

JESSIE BATTIE

(SEAL)

NOTARY PUBLIC.

My commission expires December 16, 1909.

United States of America,
Indian Territory,
Northern District SS.

On this 13 Day of June, 1906, personally appeared before me the undersigned Notary Public duly Commissioned and acting within and for the Northern District of the Indian Territory MARIAH FRENCH to me personally well known, who being by me duly sworn on her oath deposes and says:

"My Name is Mariah French, my age is 54 years and my Post Office address is Lenapah, Indian Territory. I am acquainted with Delilah Rowe and was acquainted with her in the year of 1866. I know of my own knowledge that she removed to and established her residence in the Cherokee Nation Indian Territory after the close of the war of the rebellion and before February 11, 1867. I saw her living in the Cherokee Nation before February 11, 1867 and I know that she has lived in the Cherokee Nation continuously since February 11, 1867.

MARIAH FRENCH

Subscribed and sworn to before me this Thirteenth day of June, 1906.

JOHN A. KIDD

Notary Public

(SEAL)

My Com. expires Nov. 19th 1908.

United States of America,
Indian Territory,
Northern District SS.

On this 13th Day of June, 1906, personally appeared before me the undersigned Notary Public duly Commissioned and acting within and for the Northern District of the Indian Territory Stephen Little to me personally well known, who being by me duly sworn, on his oath deposes and says:

"My Name is Stephen Little, my age is 82 years and my Post Office address is Lenapah Indian Territory. I am acquainted with Delilah Rowe and was acquainted with her in the year of 1866. I know of my own knowledge that she removed to and established her residence in the Cherokee Nation Indian Territory after the close of the war of the rebellion and before February 11, 1867. I saw her living in the Cherokee Nation before February 11, 1867 and I know that she has lived in the Cherokee Nation continuously since February 11, 1867.

Witness to mark.
J. A. KIDD

his
STEPHEN X LITTLE
mark

Subscribed and sworn to before me this Thirteenth day of June, 1906.

JOHN A. KIDD

Notary Public.

(SEAL)

My Com. expires Nov. 19th 1908

United States of America,
Indian Territory,
Northern District SS.

On this 13 day of June/ 1906, personally appeared before me the undersigned Notary Public duly Commissioned and acting within and for the Northern District of the Indian Territory George Melton to me personally well known, who being by me duly sworn on his oath deposes and says:

"My name is George Melton, my age is 50 years and my Post Office address is Lenapah, Indian Territory. I am acquainted with Delilah Rowe and was acquainted with her in the year of 1866. I know of my own knowledge that she removed to and established her residence in the Cherokee Nation Indian Territory after the close of the war of the rebellion and before February 11, 1867. I saw her living in the Cherokee Nation before February 11, 1867 and I know that ^{has} she ^{is} lived in the Cherokee Nation continuously since February 11, 1867.

GEORGE MELTON

Subscribed and sworn to before me this Thirteenth day of June, 1906.

JOHN A. KIDD

Notary Public.

(SEAL)

My Com. expires Nov. 19th 1908

B

50748 =

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 18 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 18, 1901
 Post Office Winnier T.F.
 District Geo

1. Name

Age

Owner's name

Citizenship

Year

Page

No

District

Parents:

Father

Citizenship

Mother

Citizenship

17

Name of wife

Age

Owner's name

Citizenship

Year

Page

No

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

2	Loubertha	Rowe	Year	Page	No	Dist.	19
3	Stephen	"	Year	Page	No	Dist.	17
3	Daniel	"	Year	Page	No	Dist.	14
4	Eva	"	Year	Page	No	Dist.	12
5	Harvey	"	Year	Page	No	Dist.	7
8.			Year	Page	No	Dist.	
9.			Year	Page	No	Dist.	
10			Year	Page	No	Dist.	
11.			Year	Page	No	Dist.	
12.			Year	Page	No	Dist.	

Application made by

Stenographer

2 On Wallace rolls Louvitha Rowe
 3, 4 and 5; affidavits of birth required.

Represented by Mellott and Smith.

20. 01.11.1901

COMMISSION 1901
DEPARTMENT OF THE INTERIOR

OCT 15 1901

1901

1901

COMMISSIONERS
HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, Aug 26, 1901

Received of the Commission to the Five Civilized
Tribes one copy of the testimony in the matter of the
application of Delilah Rowe for en-
rollment as Cherokee Freedmen.

Melville Smith

Cherokee Freedmen # 10748

COPY.

Cherokee Freedmen
D-746

Muskogee, Indian Territory, March 19, 1904.

Delilah Rowe,

Wimer, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for the enrollment of yourself and your minor children, Louberttha, Daniel, Eva and Harvey Rowe, as Cherokee freedmen. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Breckinridge

Register.

Commissioner in Charge.

Enc. D-23.

Cherokee Freedmen
K-148 et al.

Muskogee, Indian Territory, March 19, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Rachel Turk et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Rachel Turk, Samuel, Beasie and Velva Rogers, William, Myrtle and Gracie Rogers, Willis, Bettie and John Turk as Cherokee freedmen.

Respectfully,

Enc. D-24.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
D-748, D-750.

Muskogee, Indian Territory, March 19, 1904.

Edgar Smith,

Attorney for Delilah Rowe et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, the applications for the enrollment of Delilah, Leubertha, Daniel, Eva, Harvey and Eddie Rowe, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Frederick

Register

Commissioner in Charge

Enc. D-30

COPY.

Cherokee Freedmen
D-748 et al.

Muskogee, Indian Territory, March 19, 1904.

V. W. Hastings,

Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of Delilah Rowe et al., rejecting the applications for the enrollment of Delilah, Leuberttha, Daniel, Eva, Harvey, Eddie, Fred, and Belle Rowe, and Mattie Thornton, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Breckinridge,

Enc. D-31.

Commissioner in Charge.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply to OFFICE OF INDIAN AFFAIRS,
the following:

WASHINGTON, September 24, 1904.

Land.

19432-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 19, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Delilah Rowe for herself and her minor children, Loubartha, Daniel, Eva and Harvey Rowe; by Hattie Thornton for herself; by Eddie Rowe for himself; by Fred Rowe for himself; and by Belle Rowe for herself.

March 11, 1904, the Commission decided adversely to all the applicants.

The record shows that the principal applicant, Delilah Rowe was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she left the Cherokee Nation during the war and went to Kansas. She testifies that when she returned to the Cherokee Nation she found one Peter Ward residing therein. The Department has approved the rejection of the claim of Peter Ward (C.F.D. 613) on the ground that he did not return to the Cherokee Nation prior to February 11, 1867.

It further appears that all of the other applicants were

born since the war and that they are the descendants of the principal applicant, Delilah Rowe. The names of Delilah Rowe, Hattie Thornton, Eddie, Fred, Belle and Loubbertha Rowe are identified upon the Wallace roll, but upon no other. The other applicants are not found on any roll pertaining to the Cherokee Nation.

The fathers of the descendants of the principal applicant have never applied for enrollment as Cherokee freedmen.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

H.M.M.
W.

(C O P Y)

W C F
Y P

D C 46231-1904

DEPARTMENT OF THE INTERIOR,

PHB

I. T. D. 7722-1904.
LRS.

WASHINGTON, October 18, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 19, 1904, you transmitted the record in the consolidated Cherokee freedman case of Delilah Rowe, et al (P.D-748 et al), including your decision of March 11, 1904, rejecting the applications for the enrollment of Delilah, Loubertine, Daniel, Eva, Harvey, Eddie, Fred and Belle Rowe, and Hattie Thornton, as Cherokee freedmen.

Reporting in the matter September 24, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary

1 inclosure.

COPY

Cherokee Freedmen
D-748, D-750.

Muskogee, Indian Territory, October 28, 1904.

Edgar Smith,

Attorney for Delilah Rowe, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting, among others, the applications for the enrollment of Delilah, Loubbertha, Daniel, Eva, Harvey and Eddie Rowe, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 18, 1904.

Respectfully,

Signed: *Tamie L. Roy*
Chairman.

Cherokee Freedmen
D-748 et al

Washago, Indian Territory, October 28, 1904.

Bell , Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Delilah, Loubantha, Daniel, Eva, Harvey, Eddie, Fred and Belle Rowe, and Hattie Thornton, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 18, 1904.

Respectfully,

(SIGN)

Wm. B. B. B.
Chairman.

COPY.

Cherokee Freedmen
D-748

Muskogee, Indian Territory, October 28, 1904.

Delilah Rowe,

Wimer, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting, among others, the application for the enrollment of yourself and children, Loubertha, Daniel, Eva and Harvey Rowe, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 18, 1904.

Respectfully,

Signed *Tame Dinty*
Chairman.

OPY.

Cherokee Freedmen
D-748.

Muskogee, Indian Territory, November 30, 1904.

Delila Rowe,

Wimer, Indian Territory.

Dear Madam:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of November 18, stating that your application as a Cherokee freedman has been rejected, and asking for advice relative to certain improvements.

In reply you are advised that there is no provision of law protecting the property rights of rejected claimants to citizenship in the Cherokee Nation.

Respectfully,

SIGNED.

T. B. Needles.
Commissioner in Charge.

Cherokee Freedman

A-709

Muskogee, Indian Territory, May 23, 1906.

Delilah Rowe,

Wimer, Indian Territory.

Dear Madam:

You are hereby advised that the motion filed by your attorneys September 7, 1905, for a review in your Cherokee freedman enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

Commissioner.

WMP

Washoe, Indian Territory, May 20, 1906.

Elmer & Bulger,

attorneys for Eliza A. Arnold, et al.,
Vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of
Departmental letter of May 2, 1906, a copy of which is enclosed
herewith, denying motions filed by you September 7, 1905, for
review in the Cherokee Freedmen enrollment cases of Eliza
A. Arnold and others named in said letter.

Respectfully,

Commissioner.

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC
Incl. C-2

Cherokee Freedman
R 709

Muskogee, Indian Territory, July 31, 1906

Joe West,

Verdigris, Indian Territory.

Dear Sir:

This office is in receipt of your letter of July 1, and by reference of the Secretary of the Interior, of your letter of June 22, 1906, addressed to him, both letters being in reference to your right to citizenship in the Cherokee Nation.

In reply you are advised the records of this office show that application was made for your enrollment as a Cherokee freedman, September 25, 1901; that said application was refused by the Commission to the Five Civilized Tribes March 11, 1904, and its action approved by the Secretary of the Interior October 20, 1904. The action of the Secretary is final in Cherokee enrollment cases.

Respectfully,

L. R. B.

Commissioner

Cherokee Freedmen
R 709

Muskogee, Indian Territory, August 30, 1906

Starr & Patten,

Attorneys for Delia Rowe, et al.

Vinita, Indian Territory.

Gentlemen:

This office is in receipt, on June 25, 1906,
of a motion made by you for a rehearing in the consolidated
Cherokee freedmen enrollment case of Delia Rowe, et al.

Said motion will receive the proper consideration
of this office and be transmitted to the Department
for action thereon, at the earliest practicable date,
of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

Muskogee, Indian Territory, February 9, 1907

Starr & Patten,

Attorneys for Delilah Rowe et al.

Vinita, Indian Territory.

Gentlemen:

Referring to your letter of January 14, 1907, you are advised that your motion for a rehearing in the Cherokee freedman case of Delilah Rowe et al., has this day been forwarded to the Secretary of the Interior for consideration.

You will be advised of any further action taken in said case.

Respectfully,

L M B

Commissioner

Wichita, Indian Territory, February 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed June 28, 1906, by Starr & Patton, Vinita, Indian Territory, for a rehearing of the consolidated Cherokee Freedmen cases of Delilah Howe et al. Said motion is supported by the affidavits of Edile Howe, Mariah French, Stephen Little and George Walton. There is also enclosed a motion filed August 3, 1906, by attorneys for applicants that the affidavits of Isaac Shields and Isaac Davis be filed in support of their said motion. The affidavit of the principal applicant, Delilah Howe, received from said attorneys August 6, 1906, is also enclosed, together with affidavit of Hank Vann, received October 12, 1906, with a letter from said attorneys dated October 10, 1906. In their letter of that date attorneys for applicants asked to be given twenty days within which to submit additional

Secretary-8

affidavits in the case, "in view of the Departmental decision in the Cherokee freedmen case of Jennie Martin et al. with reference to affidavits in support of motions for rehearing." Said attorneys have submitted no additional affidavits, and on December 21, 1906, Mr. J. O. Starr, a member of the firm of attorneys for applicants, verbally informed the Commissioner that they had submitted all papers they desired to submit in connection with their various motions filed under the Act of April 26, 1906, for a rehearing or review of Cherokee enrollment cases.

The attorney for the Cherokee Nation protests against the granting of said motion and his protest filed July 26, 1906, is also enclosed.

The decision of the Commission to the Five Civilized Tribes dated March 11, 1904, rejecting the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated cases of Delilah Rowe et al., was affirmed by the Department October 18, 1904 (I.T.D. 7722-1904).

A careful examination of this motion, in connection with the original record in the case, convinces the Commissioner that there is no merit in the same.

Secretary-3

When Delilah Rowe first testified before the Commission she swore that when she returned to the Cherokee Nation Peter Ward was residing therein. If this is correct the applicants in this case, who claim only through Delilah Rowe as her descendants, are not entitled to enrollment as Cherokee freedmen, for the reason it is conclusively shown by the records of this office that Peter Ward did not return to the Cherokee Nation and establish a residence therein prior to February 11, 1867. Reference is made to this office's report of August 16, 1906, submitting a motion filed June 25, 1906, by Starr & Patton, Vinita, Indian Territory, for a rehearing of the consolidated Cherokee freedman case of Peter Hudson et al., including the case of Peter Ward, and enclosing a copy of a letter of said attorneys, dated August 4, 1906, wherein it is stated that after further investigating said case they find that they would be unable to add any strength to the applicant's side of the case if a rehearing was granted, and requesting that their motion for a rehearing of said case be dismissed.

Secretary-6

It is, therefore, respectfully recommended that
the motion herewith transmitted be denied.

Respectfully,

Through the Commissioner
of Indian Affairs.

Encl. D-98

Commissioner

(COPY)

DEPARTMENT OF THE INTERIOR,

Land
15081-1907.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes dated February 9, 1907, transmitting a motion for rehearing in the consolidated Cherokee freedman case of Delilah Rowe, et al. The motion has been examined. It contains no merit and it is recommended that it be denied. In connection with this case attention is invited to the fact that the record is not enclosed. It has been mislaid and the Office has been unable to find it.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

CAW-GH.

Y.P.

DEPARTMENT OF THE INTERIOR, LEB.

WASHINGTON.

D.C. 12996-1907.
I.T.D. 7752-1907.
IRS.

March 4, 1907.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing of the consolidated Cherokee freed man cases of Delilah Rowe et al., received with your letter of February 9, 1907, and Indian Office letter of March 2, 1907 (Land 15081), copy inclosed, is hereby denied, in accordance with your recommendation and that of the Indian Office, and in view of the limited time allowed by the act of April 20, 1906 (34 Stat., 137), for completing the rolls of citizenship of the Five Civilized Tribes.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

1 inc. and 2 to Ind. Of.

Secretary.

W.C.F. 3/4/07.

Muskogee, Indian Territory, April 1, 1907.

Delilah Rowe,

Wimer, Indian Territory.

Dear Madam:

You are hereby advised that the motion filed by your attorneys, Starr & Patten, for a rehearing in the Cherokee freedmen enrollment case of yourself and children, was denied by the Secretary of the Interior March 4, 1907.

Respectfully,

MMP

Acting Commissioner.

Muskogee, Indian Territory, April 1, 1907.

Starr & Fatten,

Attorneys for Delilah Rowe, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion filed by you for a rehearing in the Cherokee freedman enrollment case of Delilah Rowe, et al., was denied by the Secretary of the Interior March 4, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-4-5
MMP

Ed. D. P.
Acting Commissioner.

Muskogee, Indian Territory, April 1, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a rehearing in the Cherokee freedman enrollment case of Delilah Rowe, et al., was denied by the Secretary of the Interior March 4, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Geo. D. Rodgers
Acting Commissioner.

Incl. P-4-6
MDP

Cher. Fr. R 710

Cher. Fr. R 710

Trans. From Cher F.D 749

THESE ARE THE TERMS OF THE CONTRACT...
TO BE MADE BY THE PARTIES...
AND TO BE OBSERVED BY THEM...

AND TO BE OBSERVED BY THEM...
IN THE EVENT OF BREACH...
THE PARTIES AGREE...

THESE TERMS...
AND TO BE OBSERVED BY THEM...
IN THE EVENT OF BREACH...

ON THE PART OF THE...
IN THE EVENT OF BREACH...
THE PARTIES AGREE...

AND TO BE OBSERVED BY THEM...
IN THE EVENT OF BREACH...
THE PARTIES AGREE...

11/29
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RECEIVED
JAN 11 1981

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 18th, 1901.

In the matter of the application of Hattie Thornton for enrollment as a Cherokee Freedman; said Thornton being sworn and examined by Commissioner T. . Needles, testified as follows:

- Q What is your name? A My name is Hattie Thornton.
Q How old are you, Hattie? A I am 21.
Q What is your post office address? A Hudson.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman?
A Yes, sir.
Q Do you want to enroll anybody but yourself? A Myself is all.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Joseph Thornton.
Q Is he a citizen? A Yes, sir.
Q What is your mother's name? A Delilah Rowe.
Q Is she the Delilah Rowe who has just applied for enrollment?
A Yes, sir.
Q Is your name on any of the roll of the Cherokee Nation?
A On the Wallace roll.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Wallace roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 138, #2881, Hattie Rowe, Cooweescoowee District.


- Q Where were you born, Hattie? A I was born on Big Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Have you always lived in the Cherokee Nation? A Yes, sir; I don't know any where else except the Cherokee Nation.

COM'R NEEDLES; Hattie Thornton applies for the enrollment of herself. She avers that she is the child of Delilah Rowe and she is duly identified upon the Wallace roll as Hattie Rowe, that having been her maiden name. She avers that she is now married to one Joseph Thornton. She makes satisfactory proof as to residence. In this connection reference is made to the testimony taken in the application of her mother, Delilah Rowe, who has been listed for enrollment as a Cherokee Freedman upon doubtful card #748, and the testimony taken in the matter of the application of Delilah Rowe will be made part of the record in the case at bar and a copy of the said testimony will be filed herewith. She makes satisfactory proof as to residence, consequently Hattie Thornton, nee Hattie Rowe, will be listed for enrollment as a Cherokee Freedman upon a doubtful card. She will be duly advised by mail of the action of the Commission as to her application.

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J. O. Reasen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th day of June, 1901.



Commissioner.

File with Cherokee Freedman, D-749, *Nattie Thornton*

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 18, 1901.

In the matter of the application of Delilah Rowe for the enrollment of herself and four children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for applicant;
Mr. Hastings, for the Cherokee Nation.

- Q What is your name? A Delilah Rowe.
Q How old are you? A Must be about 50 I guess.
Q What is your postoffice? A Wimer.
Q What district do you live in? A Cooweescoowee.
Q Who do you want to enroll besides yourself? A I have got some children.
Q How many? A Nine.
Q Nine children with you? A I say I have got nine.
Q Are you married? A No sir.
Q Have you ever been married? A No sir.
Q What is your father's name? A Daniel Rowe.
Q Is he living? A No sir.
Q Is your name on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee Nation? A On the Wallace roll.
Q You say you have never been married? A No, sir.
Q And got nine children, what do you call all of these children, Rowe? A Yes sir.
Q You have got five under 21 years of age, what is the first one named? A Lubertha.
Q Lubertha, 19, next one Sophia? A Yes sir.
Q She is 17? A Yes sir.
Q Next one Daniel? A Yes sir.
Q Is he 14? A Yes sir.
Q Next one, what is the next one? A Eva.
Q Eva is about 12 is she? A Yes, sir.
Q And what is the name of the next one, Harry? A Harvey, seven years old.
Q Did you draw what is known as the Strip payment? A No sir.
Q Where were you born? A Born in the Nation here.
Q These children all born in the nation here? A All but the oldest one.
Q You were a slave? A Yes sir.
Q Who did you belong to? A Lewis Ross.
Q Was he a Cherokee? A Yes, sir.
Q Lewis Ross was a Cherokee by blood? A Yes sir.
Q Were you taken out of the nation during the war between the North and South? A Yes sir.
Q Where? A Went out up in Kansas.
Q When did you return to the Cherokee Nation? A '96.
Q Who with? A My father and brothers.
Q And you have been living in the Cherokee Nation ever since that? A Yes, sir.
By Mr. Smith:
Q Who are your witnesses? A Jim Alberty, and Moss Riley.
Q You were born a slave yourself? A Yes sir.
Q Lewis Ross was a Cherokee Indian and a citizen of the Cherokee Nation? A Yes sir.
Q Where were you at the time the war commenced? A When the war commenced we was in the Cherokee Nation.

Q Where? A At the old Asylum to my old boss' place on Grand river.
Q How far from Vinita? A I don't know.
Q Is it the old Orphan Asylum? A Yes sir.
By Mr. Hastings:
Q How old are you now? A Just be about 50, I don't know my age exact.
Q What was your father's name? A Daniel Rowe.
Q He came back with you did he? A Yes sir.
Q Your mother came back with you? A My mother died in Kansas.
Q At that place? A At Humboldt.
Q You came down here then from Humboldt, Kansas? A No, sir, mother died when we first went up there.
Q Was your father in the army? A Belonged to the militia.
Q What place in Kansas did you come from when you came down here? A Ft. Scott.
Q What were you doing up at Ft. Scott just after the war? A We just lived there.
Q Did you have any children up there? A I had one.
Q Born up there? A Yes, sir, the oldest one.
Q Born in Ft. Scott? A Born in the neighborhood there, we lived in the country.
Q Was you living with a man then as your husband? A No sir, I never had no husband.
Q Who were you living with when that child was born? A With my parents.
Q That child alive now? A Yes sir, grown man and got children.
Q What is his name now? A Eddie.
Q How old is Eddie? A He must be something near 36 years old I reckon; that's my way to put it down.
Q You applied for Eddie before the Kern-Clifton Commission didn't you? A Yes sir.
Q You remember what you gave his name in at that time? A No, sir, I don't.
Q You remember whether or not you gave his age in as 25? Oh he must have been 28.
Q Do you remember whether you gave his age in as that or not? A I don't remember whether I did or not.
Q How old was Eddie when you came down here? A He was something over 2 months old.
Q Where was George born? A He was born here.
Q Where? A On Big Creek.
Q You came from Kansas to Big Creek? A Yes sir.
Q You know Albert Morris, that man sitting over there? (indicating) A Yes sir.
Q He was living there on Big Creek was he when you came? A No sir, I don't remember seeing him.
Q How far did you live from him? A His place must be about 6 miles I reckon from our place.
Q You say he was not living there? A I never saw him.
Q How long was it after you got there until you saw him? A I don't know how long it was.
Q Peter Ward was living up there when you went there? A Yes sir.
Q Did Peter Ward have a house when you came there? A Yes, sir, they built log houses.
Q Did they have a little patch of corn? A No sir, no corn, I never seen any.
Q Did Oliver Morris live there? A Several years after he was there we got acquainted with the Morris family.
Q Did you testify five years ago before the Kern-Clifton Commission that he was living there? A No, sir, I didn't. You asked me if he was living there and I said yes and I never saw him. He was living there, but I never saw him.
Q Where is that place? A It is in the neighborhood of Ft. Scott.
Q Was he there at the time you were there? A Yes sir, you know all about it.

Q Convicted? A Yes, sir.

Q What was he convicted of? A I told you that once, he was accused of concealing stolen property.

Q Who did the property belong to? A I didn't know, I don't remember.

Q You said before it belonged to William Martin, didn't you? A Never said any such a thing, no sir.

Q You don't know who it belonged to? A It belonged to somebody down in there, but I don't remember who it was now, I don't know no William Martin, old Bill Martin?

Q Yes. A No sir, I didn't state that.

Q You deny the property belonged to him? A I don't deny it, it may have been, I don't remember it.

Q How far did you locate from Coffeyville? A We call it 15 mile from our house to Coffeyville.

Q Who were your neighbors when you first located there? A When we first located there we was all just fresh settled there, there was aunt Phillis Whitmire, and uncle Mike and Mart Whitmire, and old Andy Daugherty, there was a good many of them.

Q Have you lived ever since right in that same place? A Yes sir, I have been no where else.

Q You came straight from Kansas there? A Yes, sir, we come straight from Kansas with my father.

Q Down there? A Yes sir.

Q How long after you got there until you saw Jim Alberty? A He come to visit us little while after we was there.

Q Are you any kin to him? A No, sir.

Q Was it in the spring of the year or the summer or what time of the year? A It was in the fall, getting cold.

Q About what month in the fall? A I don't know, it must have been along in November, or the first of December.

Q Do you know what year George was born in? A George was born in the year Chicago caught fire, '71 I believe; George aint with my children at all.

Q How much older than George is Eddie? A There is one dead between them.

Q How much difference between the ages of Eddie and George? A I don't know, there is a boy between them, dead.

Q Well now about the difference in the ages of them two? A I can't tell, because I don't know.

Q Well what is the difference between George's age and Bell's age?

A Bell is 27 last March and George ought to be 30 I reckon.

Q Well you know the difference between ~~George's~~ Bell's and George's age, why don't you know the difference between George's and Eddie's ages? A Well I say there is one between them children that's dead.

Q Well can't you tell how much older than George Eddie is? A Well I guess not, you will have to tell.

Q You raised them both didn't you? A Yes, I raised them right there on Big Creek.

Q Well now tell us how much older than George Eddie is? A Must be something like five years I guess.

Q You saw Jim Alberty first after the war? A On Big Creek?

A Yes, sir, he come to our house.

Q How long did he stay there? A He was around in the neighborhood several days.

Q You don't know what month it was, in the fall? A Well when he come to our house it was something near Christmas time.

Q About Christmas time was it? A Yes sir, something near Christmas time.

Q You know William Noble? A Yes, I know Bill Noble.

Q How far did he live from you at that time? A About eight miles.

Q You have lived there ever since have you? A Yes sir.

Q Old man Nelson Murrell living there at that time? A He lived upon Snow Creek.

Q How far from you? A About 12 miles.

Q Was he living up there when you moved up there? A I don't know, we never scattered out nowhere.

Q What were your nearest neighbors then? A Phillis Whitmire and Mart Whitmire and uncle Andy Daugherty.

Q How far did you live from uncle Andy Daugherty? A Something over two miles.

By Mr. Smith:

Q What are the names of your children, older than the ones you have applied for here to-day? A The oldest one is Eddie.

Q Eddie what? A We sometimes call him Eddie Watkins, they mostly go by my name, Rowe.

Q Now the next one? A George Ward; he aunt with me though.

Q Well the next one? A Bell Tyler.

Q Well the next one? A Fred Thompson.

Q Any others? A Hattie.

Q Any others? A Lubertha.

Q Well that brings you down to the ones you gave here this morning?

A Yes, sir.

By Com'r Needles:

Q Do you want these children enrolled as Rowe? A Yes sir they have always went by that name.

MOSE RILEY, being sworn and examined by Com'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A Mose Riley.

Q Where do you live? A Chelsea.

Q Is that your postoffice? A Yes sir.

Q How long has that been your postoffice? A Between 21 and 2 years.

Q You know this applicant, Delilah Rowe? A Yes sir.

Q How long have you known her? A Known her ever since she was a young girl.

Q Did you know her before the war? A Yes sir.

Q Was she a slave? A Yes sir, she was a slave, at Lewis Ross.

Q Was Lewis Ross a Cherokee Indian? A Yes sir.

Q Well, where did Lewis Ross live when the war commenced? A At the old asylum. Where the Cherokee Orphan Asylum is now.

Q In the Cherokee Nation? A Yes sir.

Q Where was Delilah Rowe when the war commenced? A I don't know sir whether she was right there or not.

Q When did you first see her after the war closed? A It was right af er the war I saw her at her uncles, her and her father and mother, that is her step-mother.

Q Who was her uncle? A Lewis Rowe.

Q Where did you see her? A On Grand River, in the Cherokee Nation.

Q When? A Right after the war.

Q You don't know what year it was in? A No sir.

Q How long after the war was it? A Not very long after the war - when the colored people all begin coming back here.

Q When did you come back yourself? A In '88.

Q What time in '88? A In the fall.

Q Did you see her before or after you yourself came back? A I saw her after.

Q How long after? A It must have been a couple of months, anyhow, somewhere along about that time, in the winter.

Q Can you state what time in the fall of '88 you came back, how long before Christmas? A I went up directly after - we come down directly after laying by born, and got back just as soon as we could get back, wasn't there very long.

Q Was it cold weather or was it warm weather? A No sir, it wasn't cold weather.

Q You think it was about how long you say before you saw her after you got back? A I don't think it was over two months, I don't think it was.

Q Do you know where she is living now? A Yes sir.

Q Where? A She is living about three quarters of a mile west of Fimer, Indian Territory.

Q How long has she been living there? A Oh she has been living there for years, I don't know sir, ever since she was a young woman.

By Mr. Hastings:

Q More, you have already applied for enrollment yourself haven't you? A Yes sir.

Q You have been put upon a doubtful card? A I suppose so, yes sir.

Q Your father's name was Riley McNair? A Yes sir.

Q Your father came down to the Cherokee Nation before you didn't he? A Yes sir.

Q He made a crop on the old McNair place? A Yes sir.

Q In the fall after he made a crop you people came down, is that the way of it? A Yes sir, we came down in the fall.

Q More, have you ever had any occasion to specially remember for 35 years just meeting this woman, or any other woman? A No sir, only meeting the colored people after we come back.

Q You say this woman sometime after you came back? A Yes sir.

Q That was over on Grand river? A Yes sir.

Q Now how far is Grand river from Big Creek? A I don't know, sir, it must be maybe 35 or 40 miles, somewhere along there, I don't know just how far.

Q How many crops, how after you came back yourself, did your family make on the McNair place? A Two.

Q You made two, and then you moved to Pryor Creek, did you? A Yes sir.

Q What time in the year did you move to Pryor Creek? A Let me correct that, father made one and we made one, two in all is what we made.

Q You mean by that then that after you returned of course I understand your father had made one, but after you returned, you still made one crop before you moved to Pryor Creek? A Yes sir.

Q Well then the next year after you made that crop, that following fall you moved to Pryor Creek, is that the way of it; the fall after you made your crop yourself? A We commenced moving in the winter and we never finished moving until the spring after that.

Q Who were your neighbors over on Pryor Creek? A There wasn't no neighbors there when we went there.

Q Well you moved to the place you lived sometime afterwards?

A Martin Thompson, he finally lived there on what was called the old Gaddy place years before the war.

Q You wasn't called upon to testify for this woman 5 years ago?

A No sir.

Q How long after you saw her on Grand river was it until you saw her up on Big Creek? A I saw her next year after we come from Saline, out in Ooweesawee.

Q You are not willing to testify just what year you saw her down on Grand river? A No sir.

Q You are not positive as to the exact number of months after you returned until you saw her down there? A No sir, I couldn't tell exactly.

Q Good many people were coming back at about that time? A Oh yes sir. They were coming occasionally.

Q You had no more reason to remember this woman than any other colored person that was coming back to the Nation did you? A No more than I went up there frequently: I lived right there.

Q How far was the McNair place from where Lewis Rowe lived? A It was I expect 12 or 14 miles, but there was no colored people lived down in that part and we went up in that neighborhood to church every Sunday.

By Com'r Needles:

Q Does Big Creek run into Grand river? A No sir.

Q Big Creek runs into the Verdigris? A Yes sir.

Q You states it was 35 or 40 miles from Big Creek to Grand river?

A Yes sir, it is.

Q Well to what points - well let it go.

JIM ALBERTY, being sworn by Com'r Needles, testified:

By Mr. Smith:

Q State your name? A Jim Alberty.

Q How old are you? A Near 70 years old.

Q What is your postoffice? A Chouteau.

Q How long have you lived in the Cherokee Nation? A 70 years.

Q Do you know this applicant, Delilah Rowe? A Yes sir.

Q How long have you known her? A I have knowed her from a small child.

Q Was she a slave before the war? A She was born a slave.

Q Whose slave was she? A Lewis Ross.

Q Was Lewis Ross a Cherokee Indian? A Yes sir.

Q Where did he live before the war? A Over here where this Orphan Asylum is.

Q In what nation? A On Grand river. In the Cherokee Nation.

Q When did you first see this applicant, Delilah Rowe, after the war closed? A I saw her right closeto her old home, come there and visit her daddy and her with him.

Q Who was with her? A Her daddy, Daniel Rowe.

Q Where was that you saw her? A In the Cherokee Nation, on Grand river.

Q When was it? A It was in '68.

Q You know about what time of the year? A Yes sir.

Q What time? A It was in the fall, as well as I can recollect.

By Mr. Hastings:

Q What time in the fall was that Jim? A I don't know exactly, what time it was, it was in the fall of the year though.

Q You don't remember the month? A No sir, I don't know the month.

Q You just happened to run across her father coming up there?

Q No sir, I was hunting a horse, some Indian stole from Nauben have here.

Q Where was he at that time? A He was camping here by his old master's home.

Q There on Grand river? A Yes sir.

Q Down close to the Orphan Asylum? A Right there.

Q Right at the Orphan Asylum? A Yes sir.

Q Was that orphan school there? A No sir, nothing there.

Q Was he in a tent? A Yes sir.

Q Did you see this woman Delilah there then? A Saw a girl there, she was a girl then.

Q How long did you stop and talk to them? A I stopped and talked to them a long time.

Q Stay all night there? A No sir.

Q Stopped there an hour or two? A Yes, sir, and eat.

Q Did you notice them there particularly? A Yes sir.

Q She have any children there then? A I think she had one child, there was a child there and I knowed Daniel's wife was too old to have one and I took it to be here.

Q Was it a boy or a girl? A It was a girl, I think, it was up little, it had a dress on, I don't know what it was exactly.

Q Old enough to talk? A No sir.

Q Walk? A It could stand up by a chair if it had it, it could

stand alone.

Q You remember that do you? A Yes sir.

Q You don't know how long Dan had been down there camped? A No sir.

Q That was in the fall? A That was in the fall, to the best of my knowledge.

Q What year was it we took the census before, the Kern-Clifton?

A I don't know what year.

Q What year was it that Wallace took the census? A I can't tell you that, because I do not know.

Q What year is this Jim? A Why you keep asking me something that I don't know, I don't know the years only if somebody tells me.

Q Who told you about this other year? A '66?

Q Yes? A Lord a Mercy, all the Indians would tell me that.

Q What year was it you drew this last money? A That's the same question: I can't answer it, I don't know.

Q That was a pretty important year to you? A Yes sir, but I don't keep no count of it, all I was after was to get the money, I don't know anything about the year.

Q When did you next see this woman? A I saw her that same fall here on Big Creek.

Q She living in a house up there? A Yes sir. Little pole house.

Q That was before Christmas was it? A I don't know how exactly; but it was the same fall.

Q Did she have a husband there then? A No sir, she didn't have no husband, and I don't suppose ever had.

Q But you saw her up there that fall? A Yes sir.

Q How far was she living from Peter Ward at that time? A I guess it was 2 miles.

Q You knew Peter Ward then? A Yes sir.

Q He was living up there was he? A Yes sir, he come there before I built my house up there.

Q How long before the war was it you saw this woman? A Before the war?

Q Yes? A This wasn't no woman before the war.

Q Well this girl, she is a woman now? A I can't tell, I never noticed children.

Q How far did you live from her? A I lived about 15 miles.

Q From her? A From Lewis Ross.

Q Do you remember positively having seen her before the war?

A Yes sir, seen her when she was a child.

Q You don't know how many years before the war? A No sir.

Q Was it a number of years? A No, I don't think it was a great number.

Q About how long do you suppose it was before the war? A I don't suppose it was more than a year before the war when I first saw her a child.

Q Did you enlist in the army? A Yes sir.

Q Where? A At Little Rock.

Q Arkansas? A Yes sir.

Q Who did you belong to when the war come up? A John Alberty.

Q Are you the same fellow that Mr. Lindsey testified was sold out to a white man near Little Rock - he testified in your case?

A He is the man that testified that I was sold out down there.

Q Down near Little Rock? A Yes sir.

Q You enlisted in the army at Little Rock? A Yes sir.

Mr. Smith: I object to that, because Mr. Lindsey didn't testify he was sold out, he testified to what John Alberty told him.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant and name not found thereon.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

COMMISSION
DEPARTMENT
INDIAN

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:

Page 138 #1877, Delilah Rowe, Goo-wee-coo-wee District.

Page 138 #2882, Luvitha Rowe, Goo-wee-coo-wee District.

Wallace roll of citizens of the Cherokee Nation examined for Sophia, and name not found. Also examined for Daniel and Eva and names not found.

APPLICANT re-called, and further examined, by Com'r Needles:

- Q Did Sophia get by any other name besides Rowe? A No sir.
Q Is Sophia married? A Yes sir, she is married, she got married last Christmas.
Q Well she must apply for herself if she is married: is Lubertha married? A No sir.
Q Did you draw what is known as Strin money or the Kern-Clifton money, for these children? A No sir.
Q Is Lubertha alive at this time and living with you? A Yes sir.
Q Is Daniel living with you? A Yes sir.
Q Eva? A Yes sir.
Q Harvey? A Yes sir.
Q Sophie, I understand then is married? A Yes sir.
Q Who to? A William Whitmire, and Harria is married.
Q These children all born in the Cherokee Nation? A All but the oldest one.

Com'r Needles: Delilah Rowe applies for the enrollment of herself: she cannot be identified upon the authenticated roll of 1886 or the census roll of 1896 or the Kern-Clifton roll; she is identified upon the Wallace roll; she applies for the enrollment of four children, to-wit: Lubertha, Daniel, Eva, and Harvey; the name of Lubertha is found upon the Wallace roll, and she is duly identified; the names of Daniel, Eva and Harvey are not found upon any one of the rolls of the Cherokee Nation; the applicant avers that she was a slave, as to her citizenship reference is made to the testimony; she makes satisfactory proof as to residence, consequently, Delilah Rowe, her child Lubertha Rowe, and her three children, Daniel, Eva and Harvey, will be listed for enrollment as a Cherokee Freedman on a doubtful basis; it will be necessary for her to make satisfactory proof of birth of Daniel, Eva and Harvey, their names not appearing upon any of the rolls of the Cherokee Nation now in the possession of this commission; the applicant will be notified by mail as to the action of the Commission in the premises.

M. D. Green, being first duly sworn, stated that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Witness my hand, M. D. Green.

Subscribed and sworn to before me this June 28, 1901.

Witness, T. B. Needles, Commissioner.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the same is a true and correct copy from the original.

Sworn to and subscribed before me this 10th of August, 1901.

[Signature]

Commissioner.

Q That is the first you have said about a letter since you have been under examination in this case? A Well, that was the way of it. Mr. Smith: Applicant objects to the testimony with reference to the letter, for the reason that the letter itself would be the best evidence. Mr. Davenport: Is that letter you spoke of Mr. Rowe having read by your husband in your possession? A No, I never saw Mr. Rowe take it with him. Commissioner: Are you married? A Not now, my husband is dead. Q Live on a farm? A Yes, sir. Q Always lived on a farm? A Been living there since '02. Q On the same place you are living now? A Yes, sir.

Mr. Smith: I would like to have a copy of this testimony filed in the Jack Davis case. Commissioner: This testimony will be made part of the case of Freeman D-749, D-750, D-752, D-827, and of the request of application for the applicant, it will be also filed in the case of Jackson Davis, D-453.

Prize C. Jones, being duly sworn, says that as stenographer to the Commission to the King of the United States he has correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of the stenographic notes thereof.

Sworn to and subscribed before me this 28th of October, 1901.

Commissioner.

File with Cherokee Freedman

D-748, Hattie Thornton.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 14, 1901.

In the matter of the application of Delilah Rowe et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Mellette & Smith, attorneys for applicants;
J. S. Davenport, of counsel for Cherokee Nation.

ELIZABETH JANE MORRIS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Elizabeth Jane Morris.

Q How old are you? A I was 60 the 9th of last March.

Q Where do you live? A I live in Lynn County, Stanton Township.

Q What is your postoffice? A Mapleton.

Q How long have you lived in that section of country there in Kansas, Mrs. Morris? A I have lived there from 1862 up to the present time and living there yet when I am at home.

Q Since you have been living there, did you get acquainted with a colored family by the name of Rowe? A Yes, sir, they were my near neighbors when we were there.

Q Did you know one by the name of Delilah Rowe? A Yes, sir.

Q Did you know her father? A Yes, sir.

Q What was his name? A Daniel Rowe.

Q When did you get acquainted with this family? A When they first came there, that was about the close of the war.

Q How far did they live from you? A About half a mile.

Q Well, how long did they continue to live there near you? A They lived there until they moved to the Territory here.

Q About when was that, if you know, by any circumstances that could have called that to your attention? A The same year that I say, in '67, that Mr. Davis left me.

Q Do you know whether or not they came before or after Jack Davis left that country? A They came before, or at least I got acquainted with them before.

Q Did they come first or Jack David come first? A They came first, Mr. Rowe came first, located.

Q Why do you say he came first, was there any circumstances?

A Well he moved there and lived there and I near neighbor with him and I got well acquainted with them and therefore I say he came first.

Q Well, did you ever hear of any correspondence between them any way that makes you fix the time or ever know them coming, between the Rowe family and the Davis family? A After Mr. Davis left there they corresponded together.

Q What place are you speaking about that he left? A I thought I told you on Mr. Morris' place, I didn't know of his living on any other place after I got acquainted with him.

Mr. Smith: How long did you say this Delilah Rowe lived there?

A She lived there all the time her father did, with him.

Q What was her father's name? A Daniel Rowe.

Q Well, how long did he live there? A He lived there at the close of the war in '65 as near as I can remember.

Q How long did he stay? A Stayed until he moved to the Territory.

A Well, how long was that? A That was either in '67, in '67 if it is correct about Mr. Davis, he left the same year as near as I can

he moved in the winter I recollect well, when Mr. Rowe moved, he moved in the winter, I am well aware of that, but I can't tell you exactly whether Mr. Davis moved in the fall or the spring, but Mr. Rowe, he moved in the winter, I have got that affirmed.

Q What time did he come there, in what season of the year was it?

A It was in the spring when Mr. Rowe moved there.

Q Had the war closed? A Well, people was returning home, I guess the war was pretty near closed.

Q When did the war close? A In '65 so it is said.

Q What time? A I can't tell you about what time, they said it closed in '65, but Mr. Rowe, I am satisfied, moved there in the spring.

Q Didn't you tell me a while ago that the war closed in the fall of '65? A That is what I understood, so said.

Q When was it that Mr. Rowe came there, in the fall or spring?

A He came there in the spring, I told you a while ago about the close of the war, there isn't much difference in the fall and spring.

Q Do you know which time of the year he came? A Came along about early planting time.

Q In the spring? A Yes, sir, that is how I know he came in the spring.

Q And the war closed the following fall? A So they said it closed in '65.

Q Well, was it the following fall? A Well I can't tell you, I haven't memory enough, they said it closed in the fall.

Q Well how did you get down here to testify in this case? A Didn't I tell you a gentleman came up there for me, wasn't I subpoenaed to come here and testify, when he came he brought Hamilton as a witness to my testimony, I didn't know at the time who he was but I was told since that he gave his name as a United States deputy.

Q You had no subpoena from the Daves Commission to come here and testify?

Mr. Davenport: I object to that mode of examination; if the witness is here, she has got a right to come whether she is subpoenaed or not.

Commissioner: It is a circumstance as to the whole matter, but it does not make any difference.

Q What is your answer to that; you didn't have any subpoena from the Daves Commission to come here and testify? A I don't know anything more about the commission than anything in the world; he came and said he was doing government business.

Q How do you know this is in '67, how are you fixing it this time?

A From the age of my child, that is how I fix it.

Q How many children did you ever have? A I have had five in my life and only two are living.

Q What was the date that the child that you fix this date by was born on? A June 24.

Q What year? A 1866.

Q When was the next one born? A It was October '65.

Q What year? A I forget the year now, it is recorded in my bible, it was October 25, I forget the year.

Q How much older was the first child than the second one? A My boy, 9 years older; let's see, I can count that up, my oldest son was born June 24, I was telling you, and the next one I forget the date of the year, but it was October 25, but I forget the date of the year now, but my oldest, I have that, they are both on record right now, but I have forgot the next boy, the date of the year, but I have the day of the month.

Q Well, was it the next year after June 24, '66? A After this next one, no, sir.

Q The next one, not the youngest, the next one? A The one that died, it wasn't more than 3 years between the one that died and this one I was telling you that I have the date of, October 25, there was quite a difference in their ages.

Q How much? A I can't tell you exactly but I can recollect the date of the month.

Q Can you tell the year when any child was born except the one you have just told me about? A Yes, sir, my oldest girl was born April 28.

Q What year? A That was in '65.

Q April 25? A No, it was April, it wasn't '65, there is two years between my girl and my boy.

Q Well then what year was she born in? A Must have been in '64, wouldn't that make two years.

Q You know, don't you; what was it? A I know there is two years and some weeks.

Q Well, what year was it now? A Must have been in '64 as I told you, must have been, there is two years between the two.

Q Do you swear it was? A I told you about ~~him~~ as near the truth as I can tell you; if he was born in '66 and he is two years younger than the girl, that would make her born in '64.

Q Now when was your child next to the boy born, what date, next after the boy that was born in '66? A I told you I can't remember the date of the year, I can remember the date of the month, I forgot the date of the year, it is in the bible.

Q Outside of these two you have been talking about, you can't give the dates when any one of the other three children were born, can you? A I can remember the dates of three of them.

Q Well, what about the others, do you know what years they were born in? A My oldest child was born the 28th of August.

Q What year? A I will tell you in a minute, if you wont hurry me: '57, the birth of my oldest child, it is dead, she was born August 28 of 1857, understand.

Q How many years was that before the war? A Four years isn't it, close onto.

Q Now when did you first know this woman with reference to the time your child was born? A Who, Delilah?

Q Yes; when did you first know her with reference to the time the child was born, the one that was born in '66? A I got acquainted with her of course when her father first moved to the country, she was a little girl when her father first moved and settled where he lived.

Q Well, when did you say that was? A I told you it was right about the close of the war.

Q About the close of the war; you don't know whether it was before or after? A Must have been after, because the colored people was liberated.

Q You don't know how long though? A They came there in the spring as I told you right in planting time because they came to our house to speak for some potatoes to plant, that was the first visit he made us after he moved up there.

Q How far did he live from you? A Not more than a mile, right in sight.

Q How long did he live on that place? A Lived there until he moved to the Territory.

Q How long was that? A Well, as I told you, they came the year, or the year after, that Mr. Davis came.

Q This woman was just a child then? A When they first moved there she was a little girl.

Q Well, was she a little girl when they moved away? A No, she was a mother, she got to be a woman because her child was born there because I am the one that took care of her.

Q You say Delilah was a little girl when she came there? A Well, a small girl.

Q And she moved away? A She came away with her father.

Q When was that, in '67? A I think it was in '67.

Q And she was a little girl when she went there? A When her father moved on the place there.

Q That was the spring after the war closed? A When they moved

there, yes.

Q And moved away in '67, and she was a little girl when she came there: is that right? A She was a little girl when she came there.

Q Now what was it you said about being a young woman when she went away? A She was a mother, she must have been a woman, she had that child before she moved away.

Q She did? A Yes, had that child living right up there where they lived all the time they were up there.

Q About how many years old do you think she was when they came there about the time the war closed? A Well, she might have been 10, 11, somewhere along there..

Q You think she was as much as 10? A I can't say, it is just guess work: of course she might have been more than that.

Q How old did she appear to be when she had this child, was she a young woman? A She was old enough to be a mother, I can't tell you anything about that.

Q Did she look like she was a fully developed and matured woman?

A She was large enough in size but I don't know what her age was.

Mr. Devenport: She was large enough to give birth to and raise a child? A Well, she had it, because I was with her when she child was born and took care of it.

Commissioner: What was Delilah Rowe's father's name? A Daniel Rowe.

Q You say she lived in Kansas with him in the winter of '67? A No, it was '67 when they left.

Q Maybe it was the winter of '66 then? A No, it wasn't '66 because Mr. Davis hadn't moved in '66 and he didn't go down till after Mr. Davis moved down.

Q You said that he came down before Mr. Davis, one time, you said something about Mr. Davis coming down, you said that he came down to the Nation to get his wife, didn't you say something about that; you said Mr. Rowe, the father of Delilah moved down before Davis did, and that he moved down in the winter of '67? A Davis moved first, didn't I tell you; you have got it wrong; didn't I tell you Mr. Davis moved down and wrote to Mr. Rowe a letter.

Q You say now that David moved before Rowe, do you? A Of course he did.

Q How long before? A Well, I can't tell you how long.

Q Well, didn't you say in your examination that Davis moved down you think in the winter of '67? A I said that is what I thought, I wouldn't be positive.

Q Sometime during the winter? A Yes, the fall.

Q You don't know whether it was the first part of the last part?

A No, I can't say for certain.

Q Couldn't it have been the last part of the winter of '66; you know the winter is in '66 and '67? A That is what I know, but didn't I tell you I know by my child was born in '66 and didn't I tell you the child could walk and didn't I come down to tell Mr. Davis good-bye, the child walked part of the way and that was in '67, that is what I told you in plain words, that Mr. Davis was there in '66 and '67.

Q What time was the child born? A The child was born seems to me the latter part of the winter or spring.

Q Latter part of the winter or spring of what; '66? A No, the year after he moved down.

Q I am talking about this child that you say could walk? A That is my child.

Q That is what I am talking about? A Didn't I tell you all the time he was born in '66.

Q What month? A The 24th of June, 1866.

Q How old does a child have to be up there before it is old enough to walk? A They generally walk sometimes inside of a year, I would give a child a year; I told you in plain words the child was born on June 24, 1866, and if he would walk, would make it throw him into '67, I told you that Mr. Davis moved down first and wrote to Mr. Rowe

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a letter when he was living there and Mr. Rowe brought the latter to my husband to read it, he couldn't read writing and my husband could.

Q That is the first you have said about a letter since you have been under examination in this case? A Well, that was the way of it.

Mr. Smith: Applicant objects to the testimony with reference to the letter, for the reason that the letter itself would be the best evidence.

Mr. Davenport: Is that letter you spoke of Mr. Rowe having read by your husband in your possession? A No, I guess not, Mr. Rowe took it with him.

Commissioner: Are you married? A Not now, my husband is dead.

Q Live on a farm? A Yes, sir.

Q Always lived on a farm? A Been living there since '62.

Q On the same place you are living now? A Yes, sir.

Mr. Smith: I would like to have a copy of this testimony filed in the Jack Davis case.

Commissioner: This testimony will be made part of the cases of Freedman D-749, D-750, D-752, D-837, and at the request of the attorney for the applicant, it will be also filed in the case of Jackson Davis, D-453.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 23rd of October, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment
as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by
W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation,
No. 17209 filed in the Mariah Hayden case F D 498, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Mariah Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Mattie Thornton, D 949,

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-
duction of the decree because, First: It does not tend to show that
the applicant was a slave of the Cherokee Nation at the beginning
of the war, nor that he returned within the time specified in the
treaty of 1866, or that he had been a continuous resident of the
Cherokee Nation since that time, or that he is a descendant of such
a person. Second: Because the same is incompetent, irrelevant
and immaterial, and does not tend to prove an issue in this case.
Third: Because the Commission will take judicial knowledge of all
laws, treaties and decrees necessary for the determination of the
right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same is
called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be en-
tertained and the decree of the Court of Claims filed in the case
of Mariah Hayden will be made a part of the record by reference in
all the cases above named with the exception of those which come
within the provisions of the temporary injunction recently granted
by Judge Gill of the United States Court, of the Northern District,
Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named
cases including the Mariah Hayden case that counsel for the appli-
cant be allowed within thirty days to file any of the proof of any
or all of the record other than the decree already referred to.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stencographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Delilah Rowe, et al., as Cherokee Freedmen, consolidating the appli-
cations of

Delilah Rowe, et al.,.....	Cherokee Freedmen D	748
Hattie Thornton,.....	"	D 749
Edie Rowe,.....	"	D 750
Fred Rowe,.....	"	D 837
Belle Rowe,.....	"	D-1126

- D E C I S I O N -

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Delilah Rowe for herself and her minor children, Leuberttha, Daniel, Eva and Harvey Rowe; by Hattie Thornton for herself; by Edie Rowe for herself; by Fred Rowe for himself; and by Belle Rowe for herself.

The evidence shows that the principal applicant, Delilah Rowe, was the slave of a Cherokee citizen at the commencement of the rebellion; that she left the Cherokee Nation and went to Kansas during the rebellion. She testifies that upon her return to the said Nation after the rebellion she found Peter Ward residing there. It has been found in the case of Peter Ward, et al., Cherokee Freedmen D 613, that he (Peter Ward) did not return to and establish his residence in the Cherokee Nation until after the time specified, in the decree of the Court of Claims rendered on February 2, 1896, in the case of Moses Whitacre, trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation. This circumstance, taken in connection with the other evidence in the cases now under consideration, is deemed to establish the fact that the said Delilah Rowe did not return to the Cherokee Nation within the time specified in said decree.

It further appears that all the other applicants herein were born since the commencement of the rebellion; and that they are the descendants of Delilah Rowe claiming right to enrollment through her as such descendants. None of the names of the following persons, who are shown by the evidence or by other records of the Commission to be the fathers of certain of the applicants herein, are found on the 1880 authenticated Cherokee roll, to-wit:

Andrew Thompson, father of Leuberttha, Daniel and Fred Rowe;
Ben Ward, father of Eva and Harvey Rowe; M. Brown, father of Hattie Thornton; Beliver Watkins, father of Edie Rowe; and John Tyler, father of Belle Rowe; and an examination of the records of the Commission shows that none of said persons have ever made application

to this Commission for enrollment as Cherokee freedmen, and in the absence of any evidence showing that they, or either of them, have any rights to enrollment as Cherokee freedmen, it is considered that they possessed no such rights. Hence, all the applicants herein claiming through Belilah Rowe have no other rights to enrollment except as her descendants.

None of the names of the applicants herein are found on the 1890 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Belilah Rowe, Leubertha Rowe, Daniel Rowe, Eva Rowe, Harvey Rowe, Mattie Thornton, Edie Rowe, Fred Rowe and Belle Rowe as Cherokee Freedmen should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. H. H. H.
Chairman.

J. L. H. H.
Commissioner.

Wm. H. H. H.
Commissioner.

Wm. H. H. H.
Commissioner.

Muskogee, Indian Territory,
MAR 11 1904
this _____

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

} ss

In the matter of the application of

Hattie

Thornton

for enrollment as a Cherokee Freedman.

No. F. D. *794*

Henry Pack

of lawful age, being duly sworn on

oath states that on the *21st* day of *September*, A. D., 1901, he registered

to *Hattie Thornton* whose postoffice is *Hudson*

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at *Fort Gibson* Indian Territory;

and that on the *1st* day of *October*, 1901, he received the return card which is hereto attached, signed by the said *Hattie Thornton*, showing that he had received said notice.

Subscribed and sworn to before me on this the

Henry Pack
1st day of October
J. C. Starr

A. D. 1901.

Notary Public.

Q.D. 749

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
OCT 2 1901

FILED



ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Hattie Thornton
for enrollment as Cherokee Freedmen:
Case No. F. D. 749

To Hattie Thornton Hudson I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 25 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

M. W. Hastings
J. S. Thompson
Attorneys for the Cherokee Nation.

February

FILED
MAR 22 1962

[Handwritten signature]

ALVIN B. BROWN

Cherokee - Freedmen - Enrollment.

MUSKOGEE, IND. TER.,

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Verditer.

C. R. BRECKINRIDGE.

Commissioners.

В.

Зюнга =

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
JUN 18 1901
FILED



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

Post Office

District

Age

Citizenship

1. Name

Owner's name

Year

Page

No.

District

Parents:

Father

Mother

1. Name of wife

Owner's name

Year

Wallace

Page 138

No.

2881

District

Parents:

Father

Mother

Names of Children:

3.

Year

Page

No.

Dist.

4.

Year

Page

No.

Dist.

5.

Year

Page

No.

Dist.

6.

Year

Page

No.

Dist.

7.

Year

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No.

Dist.

10.

Year

Page

No.

Dist.

11.

Year

Page

No.

Dist.

12.

Year

Page

No.

Dist.

Application made by

Stenographer

On Wallace roll as Hattie Rowe

X Ref. D748

COPY.

Cherokee Freedmen
D-749.

Muskogee, Indian Territory, March 19, 1904.

Hattie Thornton,

Hudson, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision, dated March 11, 1904, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Enc. D-26.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-748 et al.

Muskogee, Indian Territory, March 19, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Dolliah Howe et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Dolliah, Lumbertha, Daniel, Eva, Harvey, Eddie, Fred and Belle Howe, and Rattie Thornton as Cherokee freedmen.

Respectfully,

W. H. Harrison

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. D-32.

COA
Cherokee Freedmen
D-748 et al.

Muskogee, Indian Territory, March 19, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of Delilah Rowe et al., rejecting the applications for the enrollment of Delilah, Loubbertha, Daniel, Eva, Harvey, Eddie, Fred, and Belle Rowe, and Wattie Thornton, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Breckinridge

Enc. D-31.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-749.

Muskogee, Indian Territory, October 28, 1904.

Hattie Thornton,

Hudson, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 18, 1904.

Respectfully,

Tame Bixby

Chairman.

Cherokee Freedmen
D-748 et al

Muskogee, Indian Territory, October 28, 1904.

Bell , Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 21, 1904, rejecting the applications for the enrollment of Delilah, Leubertha, Daniel, Eva, Harvey, Eddie, Fred and Belle Howe, and Mattie Thornton, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 18, 1904.

Respectfully,

Tamie Firby.
Chairman.

Wahagee, Indian Territory, February 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed June 25, 1906, by Starr & Patten, Vinita, Indian Territory, for a rehearing of the consolidated Cherokee Freedmen cases of Delilah Howe et al. Said motion is supported by the affidavits of Eddie Howe, Mariah French, Stephen Little and George Walton. There is also enclosed a motion filed August 3, 1906, by attorneys for applicants that the affidavits of Isaac Shields and Zach Davis be filed in support of their said motion. The affidavit of the principal applicant, Delilah Howe, received from said attorneys August 6, 1906, is also enclosed, together with affidavit of Dunk Vann, received October 12, 1906, with a letter from said attorneys dated October 10, 1906. In their letter of that date attorneys for applicants asked to be given twenty days within which to submit additional

Secretary-2

affidavits in the case, "in view of the Departmental decision in the Cherokee freedmen case of Jennie Martin et al. with reference to affidavits in support of motions for rehearing." Said attorneys have submitted no additional affidavits, and on December 21, 1906, Mr. J. C. Starr, a member of the firm of attorneys for applicants, verbally informed the Commissioner that they had submitted all papers they desired to submit in connection with their various motions filed under the Act of April 26, 1906, for a rehearing or review of Cherokee enrollment cases.

The attorney for the Cherokee Nation protests against the granting of said motion and his protest filed July 26, 1906, is also enclosed.

The decision of the Commission to the Five Civilized Tribes dated March 11, 1904, rejecting the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated cases of Delilah Rowe et al., was affirmed by the Department October 18, 1904 (I.T.D. 7722-1904).

A careful examination of this motion, in connection with the original record in the case, convinces the Commissioner that there is no merit in the same.

Secretary-3

When Delilah Rowe first testified before the Commission she swore that when she returned to the Cherokee Nation Peter Ward was residing therein. If this is correct the applicants in this case, who claim only through Delilah Rowe as her descendants, are not entitled to enrollment as Cherokee freedmen, for the reason it is conclusively shown by the records of this office that Peter Ward did not return to the Cherokee Nation and establish a residence therein prior to February 11, 1867. Reference is made to this office's report of August 16, 1906, submitting a motion filed June 25, 1906, by Starr & Patton, Vinita, Indian Territory, for a rehearing of the consolidated Cherokee freedman case of Peter Hudson et al., including the case of Peter Ward, and enclosing a copy of a letter of said attorneys, dated August 4, 1906, wherein it is stated that after further investigating said case they find that they would be unable to add any strength to the applicant's side of the case if a rehearing was granted, and requesting that their motion for a rehearing of said case be dismissed.

Secretary-4

It is, therefore, respectfully recommended that
the motion herewith transmitted be denied.

Respectfully,

Through the Commissioner
of Indian Affairs.

Encl. B-08

Commissioner

D.C.12996

Y.P.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D.7752-1907.

March 4, 1907.

LRS Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing of the consolidated Cherokee freedman cases of Delilah Rowe et al., received with your letter of February 9, 1907, and Indian Office letter of March 2, 1907 (Land 15081), copy inclosed, is hereby denied, in accordance with your recommendation and that of the Indian Office, and in view of the limited time allowed by the act of April 26, 1906 (34 Stat., 137), for completing the rolls of citizenship of the Five Civilized Tribes.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock

Secretary.

1 inc. and 2 to Ind. Of.

WCF 3-4-07

Muskogee, Indian Territory, April 1, 1907.

Starr & Patten,

Attorneys for Delilah Rowe, et al.,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion filed
by you for a rehearing in the Cherokee Freedman enroll-
ment case of Delilah Rowe, et al., was denied by the
Secretary of the Interior March 4, 1907.

For your information there is enclosed here-
with a copy of Departmental decision referred to.

Respectfully,

Incl. P-4-5
MMP

Acting Commissioner.

Muskogee, Indian Territory, April 1, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a rehearing in the Cherokee freedman enrollment case of Delilah Rowe, et al., was denied by the Secretary of the Interior March 4, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-4-6
MMP

Acting Commissioner.

CDPY
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land
15081-1907

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes dated February 9, 1907, transmitting a motion for rehearing in the consolidated Cherokee freedman case of Delilah Rowe, et al. The motion has been examined. It contains no merit and it is recommended that it be denied. In connection with this case attention is invited to the fact that the record is not enclosed. It has been mislaid and the Office has been unable to find it.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH.

Cherokee freed-
man R 710

Muskogee, Indian Territory, April 2, 1907.

Hattie Thornton,
Hudson, Indian Territory.

Dear Madam:

You are hereby advised that the motion filed
by your attorneys, Starr & Patten, for a rehearing in the
Cherokee freedmen enrollment case of yourself, was denied
by the Secretary of the Interior March 4, 1907.

Respectfully,

Geo. D. Rodgers.
Acting Commissioner.

MP

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply to OFFICE OF INDIAN AFFAIRS,
the following:

WASHINGTON, September 24, 1904.

Land.

19432-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 19, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Delilah Rowe for herself and her minor children, Leubertha, Daniel, Eva and Harvey Rowe; by Rattie Thornton for herself; by Eddie Rowe for himself; by Fred Rowe for himself; and by Belle Rowe for herself.

March 11, 1904, the Commission decided adversely to all the applicants.

The record shows that the principal applicant, Delilah Rowe was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she left the Cherokee Nation during the war and went to Kansas. She testifies that when she returned to the Cherokee Nation she found one Peter Ward residing therein. The Department has approved the rejection of the claim of Peter Ward (C.F.D. 623) on the ground that he did not return to the Cherokee Nation prior to February 11, 1867.

It further appears that all of the other applicants were

born since the war and that they are the descendants of the principal applicant, Delilah Rowe. The names of Delilah Rowe, Hattie Thornton, Edie, Fred, Belle and Lembertha Rowe are identified upon the Wallace roll, but upon no other. The other applicants are not found on any roll pertaining to the Cherokee Nation.

The fathers of the descendants of the principal applicant have never applied for enrollment as Cherokee freedmen.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tunner

Acting Commissioner.

H.M.N.
V.

(C O P Y)

V C P
Y P

D C 46231-1904 DEPARTMENT OF THE INTERIOR, FHE

I. T. D. 7722-1904. WASHINGTON, October 18, 1904.
LRS.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 19, 1904, you transmitted the record in the consolidated Cherokee freedman case of Delilah Rowe, et al (F.D-748 et al), including your decision of March 11, 1904, respecting the applications for the enrollment of Delilah, Leubertha, Daniel, Eva, Harvey, Edie, Fred and Belle Rowe, and Hattie Thornton, as Cherokee freedmen.

Reporting in the matter September 24, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary

1 inclosure.

REGISTRY RECEIPT.

Post Office at

Registered Letter No. 373
Parcel

Rec'd

FT. GIBSON, I. T.
SEP 21 1901

, 190

of

addressed to

Wm. J. Gibson
Harrison - Tharston
Harrison W. S.

Hubbard Ross, P. M.

Cher. Fr. R 711

Cher. Fr. R - 711

Trans. From Cher F.D. 750

82

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1952

ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ
ΥΠΟΥΡΓΕΙΟ ΠΑΙΔΕΙΑΣ ΚΑΙ ΘΡΗΣΚΕΥΜΑΤΩΝ

Jim

16

you.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 18th, 1901.

In the matter of the application of Eddie Rowe for enrollment as a Cherokee Freedman; said Eddie Rowe being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Messrs. Mellette & Smith, for Applicant.
Mr. W. W. Hastings, for Cherokee Nation.

- Q What is your name? A Eddie Rowe.
Q How old are you, Mr. Rowe? A About 36.
Q What is your post office address? A Wimer.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you desire to enroll besides yourself? A Just myself.
Q What is your mother's name? A Delillah Rowe.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A I think it does.

The 1880 Authenticated roll of the Freedmen of the Cherokee Nation examined and name of applicant not found thereon.
The 1896 Census and Kern-Clifton Pay rolls of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Wallace roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 138, #2878, Edward Rowe, Cooweescoowee District

- Q Are you married? A Yes, sir.
Q Have you any children? A Yes, sir, but then the mother taken them through.
Q What is your wife's name? A Abbie, daughter of Celia Chambers.
Q You say your mother's name is Delilah Rowe? A Yes, sir.
Q Is she the Delilah Rowe who has just applied for enrollment as a Cherokee Freedman? A Yes, sir.
Q Where were you born, Ed? A I don't know, can't tell.
Q How long have you lived in this Cherokee Nation?
A I have been here ever since I can recollect.
Q Never lived out of the Cherokee Nation? A No, sir.
Q You never heard where you were born? A No, sir.
Q What does your mother say about where you were born?
A I never asked her.

BY MR. HASTINGS:

- Q Ed, you were convicted in at Fort Smith, Arkansas, weren't you, in the United States Court there? A Yes, sir.
Q When? A I don't remember, it has been seven or eight years ago.
Q What were you convicted of? A Receiving stolen property.
Q Who did the stolen property belong to?
Q Bill Martin's boy.
Q Is Bill Martin a citizen of the Cherokee Nation?
A He claimed to be.

Objected to by Counsel for applicant because the indictment is the best testimony.

Objection overruled by the Commission.

- Q He was a recognized citizen up there wasn't he? A Yes, sir.
Q He was a brother of Jim Martin up there wasn't he?
A They say he was.
Q What was Jim Martin's family? A I can't tell.
Q Do you know his wife? A No, sir, I would not know her if I would see her.
Q Did you know any of his children? A Yes, sir.
Q What were their names? A George.

Eddie Rowe.--2.

Q One by the name of Joel? A Yes, sir.

Q One by the name of Jim, Jr.? A I don't know, the next one we called Whiteboy.

MR. HASTINGS: I would like to have the enrollment of Bill Martin and his two children.

MR. SMITH: I move to strip out all the testimony of the witness relative to any trial or proceedings had in the United States Court for the reason that the best evidence of the trial and offense with which he was charged is not offered or attempted to be offered.

COM'R NEEDLES: There has been a great deal of latitude given in these cases; I would not grant that it should be stricken out and I think it should be entered.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and on page 136, #1880, Ocow oomocowee District, appears the name of Bill Martin, adopted white, 49 years of age, in the family of Sarah Martin, 45 years of age; George Martin, four years of age and Jim Martin, Jr., 14 years of age.

COM'R NEEDLES: Eddie Rowe applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880, the census roll of 1896 or Kern-Clifton roll. He is duly identified upon the Wallace roll. He avers that he is the son of Delilah Rowe, who has this day been listed for enrollment upon a doubtful card, #748, and the testimony taken in the case of Delilah Rowe will be made part of the record in the case at bar, and a copy thereof will be filed herewith. Eddie Rowe will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, and he will be notified by mail of the action of the Commission in the premises.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 20th day of June, 1901.

[Signature]

Commissioner.

COMMISSION TO
DISSEMINATE
AUG 1904

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 138 #2877, Delilah Rowe, Cooweescoowee District.
page 138 #2882, Louella Rowe, Cooweescoowee District.
Wallace roll of citizens of the Cherokee Nation examined for Sophia, and name not found. Also examined for Daniel and Eva and names not found.

APPLICANT re-called, and further examined by Com'r Needles:

- Q Did Sophia get by any other name besides Rowe? A No sir.
Q Is Sophia married? A Yes sir, she is married. she got married last Christmas.
Q Well she must apply for herself if she is married. Is Lubertha married? A No sir.
Q Did you draw what is known as Strip money or the Kern-Clifton money, for these children? A No sir.
Q Is Lubertha alive at this time and living with you? A Yes sir.
Q Is Daniel living with you? A Yes sir.
Q Eva? A Yes sir.
Q Harvey? A Yes sir.
Q Sophia, I understand then is married? A Yes sir.
Q Who to? A William Whitmire and Harrie is married.
Q These children all born in the Cherokee Nation? A All but the eldest one.

Com'r Needles: Delilah Rowe applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896 or the Kern-Clifton roll; she is identified upon the Wallace roll; she applies for the enrollment of four children, to-wit, Lubertha, Daniel, Eva, and Harvey; the name of Lubertha is found upon the Wallace roll, and she is duly identified; the names of Daniel, Eva and Harvey are not found upon any roll of the rolls of the Cherokee Nation; the applicant avers that she was a slave, - as to her citizenship reference is made to the testimony. She makes satisfactory proof as to residence, consequently, Delilah Rowe, her child Lubertha Rowe, and her three children, Daniel, Eva and Harvey, will be listed for enrollment as a Cherokee Freedmen on a doubtful card; it will be necessary for her to make satisfactory proof of birth of Daniel, Eva and Harvey, their names

File with Cherokee Freedman, D-

750. Eddie Rowe

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 18, 1901.

In the matter of the application of Delilah Rowe for the enrollment of herself and four children as Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Mr. Smith, of Wellette & Smith, for applicant;
Mr. Hastings, for the Cherokee Nation.

- Q What is your name? A Delilah Rowe.
Q How old are you? A Must be about 30 I guess.
Q What is your postoffice? A Wimer.
Q What district do you live in? A Cooweescoowee.
Q Who do you want to enroll besides yourself? A I have got some children.
Q How many? A Nine.
Q Nine children with you? A I say I have got nine.
Q Are you married? A No sir.
Q Have you ever been married? A No sir.
Q What is your father's name? A Daniel Rowe.
Q Is he living? A No sir.
Q Is your name on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee Nation? A On the Wallace roll.
Q You say you have never been married? A No, sir.
Q And got nine children, what do you call all of these children, Rowe? A Yee sir.
Q You have got five under 21 years of age, what is the first one named? A Lubertha.
Q Lubertha, 19, next one Sophia? A Yes sir.
Q She is 17? A Yes sir.
Q Next one Daniel? A Yes sir.
Q Is he 14? A Yes sir.
Q Next one, what is the next one? A Eva.
Q Eva is about 12 is she? A Yes, sir.
Q And what is the name of the next one, Harry? A Harvey, seven years old.
Q Did you draw what is known as the Strip payment? A No sir.
Q Where were you born? A Born in the Nation here.
Q These children all born in the Nation here? A All but the oldest one.
Q You were a slave? A Yes sir.
Q Who did you belong to? A Lewis Ross.
Q Was he a Cherokee? A Yes, sir.
Q Lewis Ross was a Cherokee by blood? A Yes sir.
Q Were you taken out of the Nation during the war between the North and South? A Yes sir.
Q Where? A Went out up in Kansas.
Q When did you return to the Cherokee Nation? A '90.
Q Who with? A My father and brothers.
Q And you have been living in the Cherokee Nation ever since that? A Yes, sir.
By Mr. Smith:
Q Who are your witnesses? A Jim Alberty, and Moss Riley.
Q You were born a slave yourself? A Yes sir.
Q Lewis Ross was a Cherokee Indian and a citizen of the Cherokee Nation? A Yes sir.
Q Where were you at the time the war commenced? A When the war commenced we was in the Cherokee Nation.

Q Where? A At the old Asylum to my old boss' place on Grand river.
Q How far from Yinita? A I don't know.
Q Is it the old Orphan Asylum? A Yes sir.
By Mr. Hastings:
Q How old are you now? A Just be about 30, I don't know my age exact.
Q What was your father's name? A Daniel Rowe.
Q He came back with you did he? A Yes sir.
Q Your mother came back with you? A My mother died in Kansas.
Q At what place? A At Humboldt.
Q You came down here then from Humboldt, Kansas? A No, sir, mother died when we first went up there.
Q Was your father in the army? A Belonged to the militia.
Q What place in Kansas did you come from when you came down here?
A Ft. Scott.
Q What were you doing up at Ft. Scott just after the war? A We just lived there.
Q Did you have any children up there? A I had one.
Q Born up there? A Yes, sir, the oldest one.
Q Born in Ft. Scott? A Born in the neighborhood there; we lived in the country.
Q Was you living with a man then as your husband? A No sir, I never had no husband.
Q Who were you living with when that child was born? A With my parents.
Q That child alive now? A Yes sir, grown man and got children.
Q What is his name now? A Eddie.
Q How old is Eddie? A He must be something near 30 years old I reckon; that's why we put it down.
Q You applied for Eddie before the Kern-Olston commission didn't you? A Yes sir.
Q You remember what you give his name in at that time? A No, sir, I don't.
Q You remember whether or not you give his age in as 28? Oh he must have been 28.
Q Do you remember whether you gave his age in as that or not?
A I don't remember whether I did or not.
Q How old was Eddie when you came down here? A He was something over 2 months old.
Q Where was George born? A He was born here.
Q Where? A On Big Creek.
Q You came from Kansas to Big Creek? A Yes sir.
Q You know Albert Morris, that man sitting over there? (indicating)
A Yes sir.
Q He was living there on Big Creek was he when you came? A No sir, I don't remember seeing him.
Q How far did you live from him? A His place must be about 6 miles I reckon from our place.
Q You say he was not living there? A I never saw him.
Q How long was it after you got there until you saw him? A I don't know how long it was.
Q Peter Ward was living up there when you went there? A Yes sir.
Q Did Peter Ward have a house when you came there? A Yes, sir, they built 12 houses.
Q Did they have a little patch of corn? A No sir, no corn, I never seen any.
Q Did Oliver live there? A Several years after we was there we got acquainted with the Morris folks.
Q Did you testify five years ago before the Kern-Olston commission that he was living there? A Yes, sir, I did; you asked me if he was living there and I told you that I got acquainted with him he was living there, but I never saw him and I never went there.
Q Where did you get Eddie? A I got him from the United States at Ft. Scott.
Q You know...

Q Convicted? A Yes, sir.

Q What was he convicted of? A I told you that once, he was accused of concealing stolen property.

Q Who did the property belong to? A I didn't know, I don't remember.

Q You said before it belonged to William Martin, didn't you? A Never said any such a thing, no sir.

Q You don't know who it belonged to? A It belonged to somebody down in there, but I don't remember who it was now, I don't know no William Martin, old Bill Martin?

Q Yes. A No sir, I didn't state that.

Q You deny the property belonged to him? A I don't deny it, it may have been, I don't remember it.

Q How far did you locate from Coffeyville? A We call it 16 mile from our house to Coffeyville.

Q Who were your neighbors when you first located there? A When we first located there we was all just fresh settled there, there was aunt Phillis Whitmire, and uncle Mike and Mart Whitmire, and old Andy Daugherty, there was a good many of them.

Q Have you lived ever since right in that same place? A Yes sir, I have been no where else.

Q You came straight from Kansas there? A Yes, sir, we come straight from Kansas with my father.

Q Down there? A Yes sir.

Q How long after you got there until you saw Jim Alberty? A He come to visit us little while after we was there.

Q Are you any kin to him? A No, sir.

Q Was it in the spring of the year or the summer or what time of the year? A It was in the fall, getting cool.

Q About what month in the fall? A I don't know, it must have been along in November, or the first of December.

Q Do you know what year George was born in? A George was born in the year Chicago caught fire, '71 I believe. George aint with my children at all.

Q How much older than George is Eddie? A There is one dead between them.

Q How much difference between the ages of Eddie and George? A I don't know, there is a boy between them, dead.

Q Well now about the difference in the ages of them two? A I can't tell, because I don't know.

Q Well what is the difference between George's age and Bell's age?

A Bell is 27 last March and George ought to be 30 I reckon.

Q Well you know the difference between ~~George's age and Bell's age~~ Bell's and George's age, why don't you know the difference between George's and Eddie's ages? A Well I say there is one between them children that's dead.

Q Well can't you tell how much older than George Eddie is? A Well I guess not, you will have to tell.

Q You raised them both didn't you? A Yes, I raised them right there on Big Creek.

Q Well now tell us how much older than George Eddie is? A Must be something like five years I guess.

Q You saw Jim Alberty first after the war? He on Big Creek?

A Yes, sir, he come to our house.

Q How long did he stay there? A He was around in the neighborhood several days.

Q You don't know what month it was, in the fall? A Well when he come to our house it was something near Christmas time.

Q About Christmas time was it? A Yes sir, something near Christmas time.

Q You know William Noble? A Yes, I know Bill Noble.

Q How far did he live from you at that time? A About eight miles.

Q You have lived there ever since have you? A Yes sir.

Q Old man Nelson Murrell living there at that time? A He lived upon Snow Creek.

Q How far from you? A About 12 miles.

Q Was he living up there when you moved up there? A I don't know, we never scattered out nowhere.

Q What were your nearest neighbors then? A Phillis Whitmire and Mart Whitmire and uncle Andy Daugherty.

Q How far did you live from uncle Andy Daugherty? A Something over two miles.

By Mr. Smith:

Q What are the names of your children, older than the ones you have applied for here to-day? A The oldest one is Eddie.

Q Eddie what? A We sometimes call him Eddie Watkins, they mostly go by my name, Rowe.

Q Now the next one? A George Ward; he aunt with me though.

Q Tell the next one? A Bell Tyler.

Q Well the next one? A Fred Thompson.

Q Any others? A Hattie.

Q Any others? A Lubertha.

Q Well that brings you down to the ones you gave here this morning?

A Yes, sir.

By Com'r Needles:

Q Do you want these children enrolled as Rowe? A Yes sir they have always went by that name.

MOSE RILEY, being sworn and examined by Com'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A Mose Riley.

Q Where do you live? A Chelsea.

Q Is that your postoffice? A Yes sir.

Q How long has that been your postoffice? A Between 21 and 2 years.

Q You know this applicant, Delilah Rowe? A Yes sir.

Q How long have you known her? A Known her ever since she was a young girl.

Q Did you know her before the war? A Yes sir.

Q Was she a slave? A Yes sir, she was a slave, at Lewis Ross.

Q Was Lewis Ross a Cherokee Indian? A Yes sir.

Q Well, where did Lewis Ross live when the war commenced? A At the old asylum. Where the Cherokee Orphan Asylum is now.

Q In the Cherokee Nation? A Yes sir.

Q Where was Delilah Rowe when the war commenced? A I don't know sir whether she was right there or not.

Q When did you first see her after the war closed? A It was right after the war I saw her at her uncles, her and her father and mother, that is her step-mother.

Q Who was her uncle? A Lewis Rowe.

Q Where did you see her? A On Grand River, in the Cherokee Nation.

Q When? A Right after the war.

Q You don't know what year it was in? A No sir.

Q How long after the war was it? A Not very long after the war - when the colored people all begin coming back here.

Q When did you come back yourself? A In '88.

Q What time in '88? A In the fall.

Q Did you see her before or after you yourself came back? A I saw her after.

Q How long after? A It must have been a couple of months, anyhow, somewhere along about that time, in the winter.

Q Can you state what time in the fall of '88 you came back, how long before Christmas? A I got up directly after - we came down directly after laying by war, and got back just as soon as we could get back, wasn't there very long.

Q Was it cold weather or was it warm weather? A No sir, it wasn't cold weather.

Q You think it was about how long you say before you saw her after you got back? A I don't think it was over two months, I don't think it was.

Q Do you know where she is living now? A Yes sir.

Q Where? A She is living about three quarters of a mile west of Viner, Indian Territory.

Q How long has she been living there? A Oh she has been living there for years, I don't know sir, ever since she was a young woman.

By Mr. Hastings:

Q Mose, you have already applied for enrollment yourself haven't you? A Yes sir.

Q You have been put upon a doubtful card? A I suppose so, yes sir.

Q Your father's name was Riley McNair? A Yes sir.

Q Your father came down to the Cherokee Nation before you didn't he? A Yes sir.

Q He made a crop on the old McNair place? A Yes sir.

Q In the fall after he made a crop you people came down, is that the way of it? A Yes sir, we come down in the fall.

Q Mose, have you ever had any occasion to specially remember for 35 years just meeting this woman, or any other woman? A No sir, only meeting the colored people after we come back.

Q You say this woman sometime after you came back? A Yes sir.

Q That was over on Grand river? A Yes sir.

Q How how far is Grand river from Big Creek? A I don't know, sir, it must be maybe 35 or 40 miles, somewhere along there, I don't know just how far.

Q How many crops, how after you came back yourself, did your family make on the McNair place? A Two.

Q You made two, and then you moved to Pryor Creek, did you? A Yes sir.

Q What time in the year did you move to Pryor Creek? A Let me correct that, father made one and we made one, two in all is what we made.

Q You mean by that then that after you returned of course I understand your father had made one, but after you returned, you still made one crop before you moved to Pryor Creek? A Yes sir.

Q Well then the next year after you made that crop, that following fall you moved to Pryor Creek, is that the way of it; the fall after you made your crop yourself? A We commenced moving in the winter and we never finished moving until the spring after that.

Q Who were your neighbors over on Pryor Creek? A There wasn't no neighbors there when we went there.

Q Well you moved to the place you lived sometime afterwards?

A Marvin Thompson, he finally lived there on what was called the old Gaddy place years before the war.

Q You wasn't called upon to testify for this woman 5 years ago?

A No sir.

Q How long after you saw her on Grand river was it until you saw her up on Big Creek? A I saw her next year after we come from Saline, out in Coopersgrove.

Q You are not willing to testify just what year you saw her down on Grand river? A No sir.

Q You are not positive as to the exact number of months after you returned until you saw her down there? A No sir, I couldn't tell exactly.

Q How many people were coming back at about that time? A Oh yes sir. They were coming occasionally.

Q You had no more reason to remember this woman than any other colored person that was coming back to the Nation did you? A No more than I went up there frequently; I lived right there.

Q How far was the McNair place from where Lewis Rowe lived? A It was I expect 12 or 14 miles, but there was no colored people lived down in that part and we went up in that neighborhood to church every Sunday.

By Com'r Needles:

Q Does Big Creek run into Grand river? A No sir.
Q Big Creek runs into the Verdigris? A Yes sir.
Q You states it was 35 or 40 miles from Big Creek to Grand river? A Yes sir, it is.
Q Well to what points - well let it go.

JIM ALBERTY, being sworn by Com'r Needles, testified:
By Mr. Smith:

Q State your name? A Jim Alberty.
Q How old are you? A Near 70 years old.
Q What is your postoffice? A Cheuteau.
Q How long have you lived in the Cherokee Nation? A 70 years.
Q Do you know this applicant, Delilah Rowe? A Yes sir.
Q How long have you known her? A I have knowed her from a small child.
Q Was she a slave before the war? A She was born a slave.
Q Whose slave was she? A Lewis Ross.
Q Was Lewis Ross a Cherokee Indian? A Yes sir.
Q Where did he live before the war? A Over here where this Orphan Asylum is.
Q In what Nation? A On Grand river. In the Cherokee Nation.
Q When did you first see this applicant, Delilah Rowe, after the war closed? A I saw her right close to her old home, come there and visited her daddy and her with him.
Q Who was with her? A Her daddy, Daniel Rowe.
Q Where was that you saw her? A In the Cherokee Nation, on Grand river.
Q When was it? A It was in '66.
Q You know about what time of the year? A Yes sir.
Q What time? A It was in the fall, as well as I can recollect.
By Mr. Hastings:
Q What time in the fall was that Jim? A I don't know exactly, what time it was, it was in the fall of the year though.
Q You don't remember the month? A No sir, I don't know the month.
Q You just happened to run across her father coming up there? A No sir, I was hunting a horse, some Indian stole from Reuben Have here.
Q Where was he at that time? A He was camping here by his old master's home.
Q There on Grand river? A Yes sir.
Q Don't close to the Orphan Asylum? A Right there.
Q Right at the Orphan Asylum? A Yes sir.
Q Was that orphan school there? A No sir, nothing there.
Q Was he in a tent? A Yes sir.
Q Did you see this woman Delilah there then? A Saw a girl there, she was a girl then.
Q How long did you stop and talk to them? A I stopped and talked to them a long time.
Q Stay all night there? A No sir.
Q Stayed there an hour or two? A Yes, sir, and out.
Q Did you notice her there particularly? A Yes sir.
Q She have any children there then? A I think she had one child, there was a child there and I knowed Daniel's wife was too old to have one and I took it to be here.
Q Was it a boy or a girl? A It was a girl, I think, it was so little, it had a dress on, I don't know what it was exactly.
Q Old enough to talk? A No sir.
Q Talk? A It could stand up by a chair if it had it, it could

stand alone.

Q You remember that do you? A Yes sir.

Q You don't know how long Dan had been down there camped? A No sir.

Q That was in the fall? A That was in the fall, to the best of my knowledge.

Q What year was it we took the census before, the Kern-Clifton?

A I don't know what year.

Q What year was it that Wallace took the census? A I can't tell you that, because I do not know.

Q What year is this Jim? A Why you keep asking me something that I can't know, I don't know the years only if somebody tells me.

Q Who told you about this other year? A '66?

Q Was? A Lord a Mercy, all the Indians would tell me that.

Q What year was it you drew this last money? A That's the same question: I can't answer it, I don't know.

Q That was a pretty important year to you? A Yes sir, but I don't keep no count of it, all I was after was to get the money, I don't know anything about the year.

Q When did you next see this woman? A I saw her that same fall here on Big Creek.

Q She living in a house up there? A Yes sir. Little pole house.

Q That was before Christmas was it? A I don't know how exactly; but it was the same fall.

Q Did she have a husband there then? A No sir, she didn't have no husband, and I don't suppose ever had.

Q But you saw her up there that fall? A Yes sir.

Q How far was she living from Peter Ward at that time? A I guess it was 2 miles.

Q You knew Peter Ward then? A Yes sir.

Q He was living up there was he? A Yes sir, he come there before I built my house up there.

Q How long before the war was it you saw this woman? A Before the war?

Q Yes? A This wasn't no woman before the war.

Q Well this girl, she is a woman now? A I can't tell, I never noticed children.

Q How far did you live from her? A I lived about 15 miles.

Q From her? A From Lewis Ross.

Q Do you remember positively having seen her before the war?

A Yes sir, seen her when she was a child.

Q You don't know how many years before the war? A No sir.

Q Was it a number of years? A No, I don't think it was a great number.

Q About how long do you suppose it was before the war? A I don't suppose it was more than a year before the war when I first saw her a child.

Q Did you enlist in the army? A Yes sir.

Q Where? A At Little Rock.

Q Arkansas? A Yes sir.

Q Who did you belong to when the war come up? A John Alberty.

Q Are you the same fellow that Mr. Lindsey testified was sold out to a white man near Little Rock - He testified in your case?

A He is the man that testified that I was sold out down there.

Q Down near Little Rock? A Yes sir.

Q You enlisted in the army at Little Rock? A Yes sir.

Mr. Smith: I object to that, because Mr. Lindsey didn't testify he was sold out, he testified to what John Alberty told him.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant and name not found thereon.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
Page 138 #2977, Delilah Rowe, Cooweescoowee District.
Page 138 #2868, Lubertha Rowe, Cooweescoowee District.
Wallace roll of citizens of the Cherokee Nation examined for Sophia, and name not found. Also examined for Daniel and Eva and names not found.

APPLICANT re-called, and further examined, by Com'r Needles:

- Q Did Sophia get by any other name besides Rowe? A No sir.
Q Is Sophia married? A Yes sir, she is married, she got married last Christmas.
Q Well she must apply for herself if she is married: Is Lubertha married? A No sir.
Q Did you draw what is known as Strip money or the Kern-Clifton money for these children? A No sir.
Q Is Lubertha alive at this time and living with you? A Yes sir.
Q Is Daniel living with you? A Yes sir.
Q Eva? A Yes sir.
Q Harvey? A Yes sir.
Q Sophia, I understand that is married? A Yes sir.
Q Who to? A William Whitmore, and Harrie is married.
Q These children all born in the Cherokee Nation? A All but the eldest one.

Com'r Needles: Delilah Rowe applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1898 or the Kern-Clifton roll; she is identified upon the Wallace roll; she applies for the enrollment of four children, to-wit: Lubertha, Daniel, Eva, and Harvey; the name of Lubertha is found upon the Wallace roll, and she is duly identified; the names of Daniel, Eva and Harvey are not found upon any roll of the rolls of the Cherokee Nation; the applicant avers that she was a slave, - as to her citizenship reference is made to the testimony; she makes satisfactory proof as to residence, consequently, Delilah Rowe, her child Lubertha Rowe, and her three children, Daniel, Eva and Harvey, will be listed for enrollment as a Cherokee Freedmen on a doubtful case. It will be necessary for her to make satisfactory proof of birth of Daniel, Eva and Harvey, their names not appearing upon any of the rolls of the Cherokee Nation now in the possession of this Commission; the applicant will be notified by mail as to the action of the Commission in the premises.

M. D. Green, being first duly sworn, states that as stenographer to the Commission he has correctly and accurately recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this 2nd day of May, 1906.

T. B. Needles, Commissioner.

M. D. Green, being first duly sworn, states that as stenographer to the Commission he has correctly and accurately recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 2nd day of May, 1906.

Commissioner.

a letter when he was living there and Mr. Rowe brought the letter to my husband to read it; he couldn't read writing and my husband could. That is the first you have said about a letter since you have been under examination in this case? A Well, that was the way of it. Mr. Smith: Applicant objects to the testimony with reference to the letter, for the reason that the letter itself would be the best evidence.

Mr. Davenport: Is that letter you spoke of Mr. Rowe having read by your husband in your possession? A No, I guess not, Mr. Rowe took it with him. Commissioner: Are you married? A Not now, my husband is dead.

Q Live on Farm? A Yes, sir.
Q Always lived on a farm? A Been living there since '83.
Q On the same place you are living now? A Yes, sir.

Mr. Smith: I would like to have a copy of this testimony filed in the Jack Davis case.
Commissioner: This testimony will be made part of the cases of Freeman D-749, D-750, D-752, D-837, and at the request of the attorney for the applicant, it will be also filed in the case of Jackson Davis, D-453.

Bruce C. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Given to and subscribed before me this 24th of October, 1901.

Commissioner.

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File with Cherokee Freedman D-750, Eddie Rowe.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 14, 1901.

In the matter of the application of Delilah Rowe et al. for
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Welllette & Smith, attorneys for applicants;
J. S. Davenport, of counsel for Cherokee Nation.

ELIZABETH JANE MORRIS, being duly sworn by Commissioner
Needles, testified as follows:

Mr. Davenport: What is your name? A Elizabeth Jane Morris.

Q How old are you? A I was 60 the 8th of last March.

Q Where do you live? A I live in Lynn County, Stanton Township.

Q What is your postoffice? A Mapleton.

Q How long have you lived in that section of country there in
Kansas, Mrs. Morris? A I have lived there from 1882 up to the pre-
sent time and living there yet when I am at home.

Q Since you have been living there, did you get acquainted with a
colored family by the name of Rowe? A Yes, sir, they were my near
neighbors when we were there.

Q Did you know one by the name of Delilah Rowe? A Yes, sir.

Q Did you know her father? A Yes, sir.

Q What was his name? A Daniel Rowe.

Q When did you get acquainted with this family? A When they first
came there, that was about the close of the war.

Q How far did they live from you? A About half a mile.

Q Well, how long did they continue to live there near you? A They
lived there until they moved to the Territory here.

Q About when was that, if you know, by any circumstances that
could have called that to your attention? A The same year that I
say, in '67, that Mr. Davis left me.

Q Do you know whether or not they came before, or after Jack Davis
left that country? A They came before, or at least I got acquainted
with them before.

Q Did they come first or Jack Davis come first? A They came
first, Mr. Rowe came first, located.

Q Why do you say he came first, was there any circumstances?

A Well he moved there and lived there and I hear neighbor with him
and I got well acquainted with them and therefore I say he came first.

Q Well, did you ever hear of any correspondence between them any-
way that makes you fix the time or ever know their coming, between
the Rowe family and the Davis family? A After Mr. Davis left there
they corresponded together.

Q What place are you speaking about that he left? A I thought I
told you on Mr. Morris' place, I didn't know of his living on any
other place after I got acquainted with him.

Mr. Smith: How long did you say this Delilah Rowe lived there?

A She lived there all the time her father did, with him.

Q What was her father's name? A Daniel Rowe.

Q Well, how long did he live there? A He lived there at the
close of the war in '85 as near as I can remember.

Q How long did he stay? A Stayed until he moved to the Territory.

Q Well, how long was that? A That was either in '87, in '87 if
it is correct about Mr. Davis, he left the same year as near as I can

he moved in the winter I recollect well, when Mr. Rowe moved, he moved in the winter, I am well aware of that, but I can't tell you exactly whether Mr. Davis moved in the fall or the spring, but Mr. Rowe, he moved in the winter, I have got that affirmed.

Q What time did he come there, in what season of the year was it?

A It was in the spring when Mr. Rowe moved there.

Q Had the war closed? A Well, people was returning home, I guess the war was pretty near closed.

Q When did the war close? A In '65 so it is said.

Q What time? A I can't tell you about what time, they said it closed in '65, but Mr. Rowe, I am satisfied, moved there in the spring.

Q Didn't you tell me a while ago that the war closed in the fall of '65? A That is what I understood, so said.

Q When was it that Mr. Rowe came there, in the fall or spring?

A He came there in the spring, I told you a while ago about the close of the war, there isn't much difference in the fall and spring.

Q Do you know which time of the year he came? A Came along about early planting time.

Q In the spring? A Yes, sir, that is how I know he came in the spring.

Q And the war closed the following fall? A So they said it closed in '65.

Q Well, was it the following fall? A Well I can't tell you, I haven't memory enough, they said it closed in the fall.

Q Well how did you get down here to testify in this case? A Didn't I tell you a gentleman came up there for me, wasn't I subpoenaed to come here and testify, when he came he brought Hamilton as a witness to my testimony, I didn't know at the time who he was but I was told since that he gave his name as a United States deputy.

Q You had no subpoena from the Daves Commission to come here and testify?

Mr. Davenport: I object to that mode of examination: if the witness is here, she has got a right to come whether she is subpoenaed or not.

Commissioner: It is a circumstance as to the whole matter, but it does not make any difference.

Q What is your answer to that; you didn't have any subpoena from the Daves Commission to come here and testify? A I don't know anything more about the commission than anything in the world; he came and said he was doing government business.

Q How do you know this is in '67, how are you fixing it this time?

A From the age of my child, that is how I fix it.

Q How many children did you ever have? A I have had five in my life and only two are living.

Q What was the date that the child that you fix this date by was born on? A June 24.

Q What year? A 1866.

Q When was the next one born? A It was October 25.

Q What year? A I forget the year now, it is recorded in my bible, it was October 25, I forget the year.

Q How much older was the first child than the second one? A My boy; 7 years older; let's see, I can count that up, my oldest son was born June 24, I was telling you, and the next one I forget the date of the year, but it was October 25, but I forget the date of the year now, but my oldest, I have that, they are both on record right now, but I have forgot the next boy, the date of the year, but I have the day of the month.

Q Well, was it the next year after June 24, '66? A After this next one, no, sir.

Q The next one, not the youngest, the next one? A The one that died, it wasn't more than 2 years between the one that died and this one I was telling you that I have the date of, October 25, there was quite a difference in their ages.

Q How much? A I can't tell you exactly but I can recollect the date of the month.

Q Can you tell the year when any child was born except the one you have just told me about? A Yea, sir, my oldest girl was born April 28.

Q What year? A That was in '65.

Q April 28? A No, it was April, it wasn't '65, there is two years between my girl and my boy.

Q Well then what year was she born in? A Must have been in '64, wouldn't that make two years.

Q You know, don't you; what was it? A I know there is two years and some weeks.

Q Well, what year was it now? A Must have been in '64 as I told you, must have been, there is two years between the two.

Q Do you swear it was? A I told you about ~~that~~ as near the truth as I can tell you; if he was born in '66 and he is two years younger than the girl, that would make her born in '64.

Q Now when was your child next to the boy born, what date, next after the boy that was born in '66? A I told you I can't remember the date of the year, I can remember the date of the month, I forget the date of the year, it is in the bible.

Q Outside of these two you have been talking about, you can't give the dates when any one of the other three children were born, can you? A I can remember the dates of three of them.

Q Well, what about the others, do you know what years they were born in? A My oldest child was born the 28th of August.

Q What year? A I will tell you in a minute, if you wont hurry me; '57, the birth of my oldest child, it is dead, she was born August 28 of 1857, understand.

Q How many years was that before the war? A Four years isn't it, close onto.

Q Now when did you first know this woman with reference to the time your child was born? A Who, Delilah?

Q Yes; when did you first know her with reference to the time the child was born, the one that was born in '66? A I got acquainted with her of course when her father first moved to the country, she was a little girl when her father first moved and settled where he lived.

Q Well, when did you say that was? A I told you it was right about the close of the war.

Q About the close of the war; you don't know whether it was before or after? A Must have been after, because the colored people was liberated.

Q You don't know how long though? A They come there in the spring as I told you right in planting time because they came to our house to speak for some potatoes to plant, that was the first visit he made us after he moved up there.

Q How far did he live from you? A Not more than a mile, right in sight.

Q How long did he live on that place? A Lived there until he moved to the Territory.

Q How long was that? A Well, as I told you, they came the year, or the year after, that Mr. Davis came.

Q This woman was just a child then? A When they first moved there she was a little girl.

Q Well, was she a little girl when they moved away? A No, she was a mother, she got to be a woman because her child was born there because I am the one that took care of her.

Q You say Delilah was a little girl when she came there? A Well, a small girl.

Q And she moved away? A She came away with her father.

Q When was that, in '67? A I think it was in '67.

Q And she was a little girl when she went there? A When her father moved on the place there.

Q That was the spring after the war closed? A When they moved

there, yes.

Q And moved away in '67, and she was a little girl when she came there: is that right? A She was a little girl when she came there.

Q Now what was it you said about being a young woman when she went away? A She was a mother, she must have been a woman, she had that child before she moved away.

Q She did? A Yes, had that child living right up there where they lived all the time they were up there.

Q About how many years old do you think she was when they came there about the time the war closed? A Well, she might have been 10, 11, somewhere along there..

Q You think she was as much as 10? A I can't say, it is just guess work: of course she might have been more than that.

Q How old did she appear to be when she had this child, was she a young woman? A She was old enough to be a mother, I can't tell you anything about that.

Q Did she look like she was a fully developed and matured woman?

A She was large enough in size but I don't know what her age was.

Mr. Davenport: She was large enough to give birth to and raise a child? A Well, she had it, because I was with her when she child was born and took care of it.

Commissioner: What was Delilah Rowe's father's name? A Daniel Rowe.

Q You say she lived in Kansas with him in the winter of '67? A No, it was '67 when they left.

Q Maybe it was the winter of '66 then? A No, It wasn't '66 because Mr. Davis hadn't moved in '66 and he didn't go down till after Mr. Davis moved down.

Q You said that he came down before Mr. Davis, one time; you said something about Mr. Davis coming down, you said that he came down to the Nation to get his wife, didn't you say something about that; you said Mr. Rowe, the father of Delilah moved down before Davis did, and that he moved down in the winter of '67? A Davis moved first, didn't I tell you; you have got it wrong; didn't I tell you Mr. Davis moved down and wrote to Mr. Rowe a letter.

Q You say now that David moved before Rowe, do you? A Of course he did.

Q How long before? A Well, I can't tell you how long.

Q Well, didn't you say in your examination that Davis moved down you think in the winter of '67? A I said that is what I thought, I wouldn't be positive.

Q Sometime during the winter? A Yes, the fall.

Q You don't know whether it was the first part of the last part?

A No, I can't say for certain.

Q Couldn't it have been the last part of the winter of '66; you know the winter is in '66 and '67? A That is what I know, but didn't I tell you I know by my child was born in '66 and didn't I tell you the child could walk and didn't I come down to tell Mr. Davis good-bye, the child walked part of the way and that was in '67, that is what I told you in plain words; that Mr. Davis was there in '66 and '67.

Q What time was the child born? A The child was born seems to me the latter part of the winter or spring.

Q Latter part of the winter or spring of what; '66? A No, the year after he moved down.

Q I am talking about the child that you say could walk? A That is my child.

Q That is what I am talking about? A Didn't I tell you all the time he was born in '66.

Q What month? A The 24th of June, 1866.

Q How old does a child have to be up there before it is old enough to walk? A They generally walk sometimes inside of a year, I would give a child a year; I told you in plain words the child was born on June 24, 1866, and if he would walk, would make it throw him into '67, I told you that Mr. Davis moved down first and wrote to Mr. Rowe

a letter when he was living there and Mr. Rowe brought the letter to my husband to read it, he couldn't read writing and my husband could.

Q That is the first you have said about a letter since you have been under examination in this case? A Well, that was the way of it.

Mr. Smith: Applicant objects to the testimony with reference to the letter, for the reason that the letter itself would be the best evidence.

Mr. Davenport: Is that letter you spoke of Mr. Rowe having read by your husband in your possession? A No, I guess not, Mr. Rowe took it with him.

Commissioner: Are you married? A Not now, my husband is dead.

Q Live on a farm? A Yes, sir.

Q Always lived on a farm? A Been living there since '68.

Q On the same place you are living now? A Yes, sir.

Mr. Smith: I would like to have a copy of this testimony filed in the Jack Davis case.

Commissioner: This testimony will be made part of the cases of Freedman D-749, D-750, D-752, D-837, and at the request of the attorney for the applicant, it will be also filed in the case of Jackson Davis, D-453.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 28th of October, 1901.

[Signature]

Commissioner.

FILED

in the case of the Cherokee Nation, in the
in the case of the Cherokee Nation, in the
is referred to as the Cherokee Nation, in the

W. W. Hastings

The Cherokee Nation most certainly objects to
the allowance of this permission of the Commission, with a request
for the reason that most of these applicants have been granted
year in which to file all of their testimony and they desired to
file to make out their case before the expiration of that notice.
was given them all by agreement in March last, that the cases would
be closed so far as testimony was concerned, and the special per-
mission of the firm of attorneys representing these applicants, on
the 31st day of May, 1902, and that this being the 31st day of May,
1902, we say that under the rulings of the Commission, that under
the agreement between the attorneys, that the testimony in all these
cases is to close and should be closed by the Commission, and that
no extension should be granted in any case and no case reopened
unless there is some special and particular reason shown either by
the Cherokee Nation on the one side or the applicant on the other
why an extension of time is necessary or desired.

The Commission

COMM
The law provides that the roll of Cherokee freedmen shall
be made in strict compliance with the decree of the Court of Claims
rendered the 3rd day of February, 1895, and as the Commission must
take judicial notice of the judgment roll of said Court in the
proceedings referred to the motion of attorneys for applicants for
additional time to file certified copies of the proceedings of the
said Court is denied.

The undersigned, being duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he correctly recorded
the proceedings in the above case, and that the foregoing is a true
and correct transcript of his stenographic notes thereof.

(Signed) E. C. Rethenberger.

Subscribed and sworn to before me this 13th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the
Five Civilized Tribes, on oath state that the above and foregoing is
a true and correct copy of the original testimony in the above
entitled cause filed with the Commission, which copy was made
by me

E. C. Bagwell

Præd D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902:

In the matter of the application of HENRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Marie Rowe, D 750;

By W. W. Hastings:

Comed now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Delilah Rowe, et al., as Cherokee Freedmen, consolidating the appli-
cations of

Delilah Rowe, et al.,....	Cherokee Freedmen D	748
Hattie Thornton,.....	"	D 749
Edie Rowe,.....	"	D 750
Fred Rowe,.....	"	D 857
Belle Rowe,.....	"	D 1118

- D E C I S I O N -

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Delilah Rowe for herself and her minor children, Loubbertha, Daniel, Eva and Harvey Rowe; by Hattie Thornton for herself; by Edie Rowe for herself; by Fred Rowe for himself; and by Belle Rowe for herself.

The evidence shows that the principal applicant, Delilah Rowe, was the slave of a Cherokee citizen at the commencement of the rebellion; that she left the Cherokee Nation and went to Kansas during the rebellion. She testifies that upon her return to the said Nation after the rebellion she found Peter Ward residing there. It has been found in the case of Peter Ward, et al., Cherokee Freedmen D 613, that he (Peter Ward) did not return to and establish his residence in the Cherokee Nation until after the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation. This circumstance, taken in connection with the other evidence in the cases now under consideration, is deemed to establish the fact that the said Delilah Rowe did not return to the Cherokee Nation within the time specified in said decree.

It further appears that all the other applicants herein were born since the commencement of the rebellion; and that they are the descendants of Delilah Rowe claiming right to enrollment through her as such descendants. Some of the names of the following persons, who are shown by the evidence or by other records of the Commission to be the fathers of certain of the applicants herein, are found on the 1880 authenticated Cherokee roll, to-wit:

Andrew Thompson, father of Loubbertha, Daniel and Fred Rowe;
Ben Ward, father of Eva and Harvey Rowe; Ed Brown, father of Hattie Thornton; Beliver Watkins, father of Edie Rowe; and John Tyler, father of Belle Rowe; and an examination of the records of the Commission shows that none of said persons have ever made application

to this Commission for enrollment as Cherokee Freedmen, and in the absence of any evidence showing that they, or either of them, have any rights to enrollment as Cherokee Freedmen, it is considered that they possessed no such rights. Hence, all the applicants herein claiming through Delilah Rowe have no other rights to enrollment except as her descendants.

None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Delilah Rowe, Leubertha Rowe, Daniel Rowe, Eva Rowe, Harvey Rowe, Hattie Thornton, Eddie Rowe, Fred Rowe and Belle Rowe as Cherokee Freedmen should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James E. Smith

Chairman.

W. J. Smith
Commissioner.

C. L. Smith
Commissioner.

W. J. Smith
Commissioner.

Muskegee, Indian Territory,

this MAR 11 1904

D

720750

D. _____

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on _____

by delivering a true copy thereof on the
_____ day of _____ A. D. 190_____

Given under my hand this
_____ day of _____ A. D. 190_____

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

_____ day of **SEP 23 1901**, 190_____

Mellish Smith
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to _____

on the _____ day of _____ A. D. 190_____

Subscribed and sworn to before me

this _____

Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 25 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Eddie Rowe
for enrollment as Cherokee citizens:
Case No. D. 750

To Eddie Rowe or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 25d 1901 oock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 21 1901

L B Bell
W. W. Thompson
Attorneys for the Cherokee Nation.

FILED
MAR 22 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

J. M. ROWE,

Atty. Gen., I. T.

OKC-F-D-750.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

B

420 150

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 18 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *June 14, 1901*
 Post Office *Wimer St.*
 District *Geo*

1. Name *Eddie Rowe* Age *36*
 Owner's name _____ Citizenship _____
 Year *Wallace* Page *130* No. *2878* District *Geo*
 Parents:

Father _____ Citizenship _____
 Mother *Delilah Rowe-hung* Citizenship _____

2. Name of wife _____ Age _____
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents:
 Father _____ Citizenship _____
 Mother _____ Citizenship _____

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by *Mr. /* Stenographer *J. O. Roison*

+ On Wallace roll as Edward Rowe

X Ref D 748

8

97

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF LANDS

FILED
OCT 12 1901

[Signature]
ACTING CHIEF

COMMISSIONERS:
HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, Aug 26, 1901

Received of the Commission to the Five Civilized
Tribes one copy of the testimony in the matter of the
application of Eddie Rowe for en-
rollment as Cherokee Freedman.

Walter L. Smith

Cherokee Freedman

DN 50

Cherokee Freedmen
D-750

Muskogee, Indian Territory, March 19, 1904.

Eddie Rowe,

Wimer, Indian Territory.

Dear Sir:

There is herew th enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register

Commissioner in Charge.

Enc. D-27.

COPY.

Cherokee Freedmen
B-148 et al.

Muskogee, Indian Territory, March 19, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Rachel Turk et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Rachel Turk, Samuel, Bessie and Velva Rogers, William, Myrtle and Gracie Rogers, Willie, Bettie and John Turk as Cherokee freedmen.

Respectfully,

C. B. Fisk

Enc. D-24.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
D-748 et al.

Muskogee, Indian Territory, March 19, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of Delilah Rowe et al., rejecting the applications for the enrollment of Delilah, Leubertha, Daniel, Eva, Harvey, Eddie, Fred, and Belle Rowe, and Mattie Thornton, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. H. Brackinridge.

Commissioner in Charge.

Enc. D-31.

Cherokee Freedmen
D-748, D-750.

Muskogee, Indian Territory, March 19, 1904.

Edgar Smith,

Attorney for Delilah Rowe et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, the applications for the enrollment of Delilah, Loubertha, Daniel, Eva, Harvey and Eddie Rowe, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

O. B. Smith

Register.

Enc. D-30.

Commissioner in Charge.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply to OFFICE OF INDIAN AFFAIRS,
the following:

WASHINGTON, September 24, 1904.

Land.

19432-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 19, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Delilah Rowe for herself and her minor children, Leubertha, Daniel, Eva and Harvey Rowe; by Hattie Thornton for herself; by Eddie Rowe for himself; by Fred Rowe for himself; and by Belle Rowe for herself.

March 11, 1904, the Commission decided adversely to all the applicants.

The record shows that the principal applicant, Delilah Rowe was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she left the Cherokee Nation during the war and went to Kansas. She testifies that when she returned to the Cherokee Nation she found one Peter Ward residing therein. The Department has approved the rejection of the claim of Peter Ward (S.F.D. 613) on the ground that he did not return to the Cherokee Nation prior to February 11, 1867.

It further appears that all of the other applicants were

born since the war and that they are the descendants of the principal applicant, Delilah Rowe. The names of Delilah Rowe, Hattie Thornton, Eddie, Fred, Belle and Leubertha Rowe are identified upon the Wallace roll, but upon no other. The other applicants are not found on any roll pertaining to the Cherokee Nation.

The fathers of the descendants of the principal applicant have never applied for enrollment as Cherokee freedmen.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

H.H.H.
V.

(C O P Y)

V C P
Y P

D C 46231-1904

DEPARTMENT OF THE INTERIOR,

YHE

I. T. D. 7722-1904.
LRS.

WASHINGTON, October 18, 1904.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

March 19, 1904, you transmitted the record in the consolidated Cherokee freedman case of Delilah Rowe, et al (P.D-748 et al), including your decision of March 11, 1904, rejecting the applications for the enrollment of Delilah, Louberttha, Daniel, Eva, Harvey, Eddie, Fred and Belle Rowe, and Mattie Thornton, as Cherokee freedmen.

Reporting in the matter September 24, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary

1 inclosure.

R.

CHEROKEE
Cherokee Freedmen
D-750

Muskogee, Indian Territory, October 28, 1904.

Eddie Rowe,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 18, 1904.

Respectfully,

Jama Dixby
Chairman.

Cherokee Freedmen
D-748 et al

Washoe, Indian Territory, October 28, 1904.

Bell , Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Delilah, Leubertha, Daniel, Jwa, Harvey, Eddie, Fred and Belle Howe, and Hattie Thornton, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 18, 1904.

Respectfully,

Chairman.

COPY!

Cherokee Freedmen
D-748, D-750.

Muskogee, Indian Territory, October 28, 1904.

Edgar Smith,

Attorney for Delilah Rowe, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting, among others, the applications for the enrollment of Delilah, Loubertina, Daniel, Eva, Harvey and Eddie Rowe, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 18, 1904.

Respectfully,

SIGNED

Jame Kirby
Chairman.

Cherokee freedman

R-711

Muskogee, Indian Territory, May 28, 1906.

Radio Rowe,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by your attorneys September 7, 1905, for a review in your Cherokee freedman enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

Commissioner.

MMP

Maskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC
Incl. C-2

Waskogee, Indian Territory, May 28, 1906.

Blue & Bulger,
Attorneys for Eliza A. Arnold, et al.,
Vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

IMP

2

Wabagoo, Indian Territory, February 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed June 25, 1906, by Starr & Patton, Vinita, Indian Territory, for a rehearing of the consolidated Sherokes freedmen cases of Delilah Rowe et al. Said motion is supported by the affidavits of Eddie Rowe, Mariah French, Stephen Little and George Malton. There is also enclosed a motion filed August 3, 1906, by attorneys for applicants that the affidavits of Isaac Shields and Zach Davis be filed in support of their said motion. The affidavit of the principal applicant, Delilah Rowe, received from said attorneys August 6, 1906, is also enclosed, together with affidavit of Yank Vann, received October 12, 1906, with a letter from said attorneys dated October 10, 1906. In their letter of that date attorneys for applicants asked to be given twenty days within which to submit additional

Secretary-8

affidavits in the case, "in view of the Departmental decision in the Cherokee freedmen case of Jennie Martin et al. with reference to affidavits in support of motions for rehearing." Said attorneys have submitted no additional affidavits, and on December 21, 1906, Mr. J. C. Starr, a member of the firm of attorneys for applicants, verbally informed the Commissioner that they had submitted all papers they desired to submit in connection with their various motions filed under the Act of April 26, 1906, for a rehearing or review of Cherokee enrollment cases.

The attorney for the Cherokee Nation protests against the granting of said motion and his protest filed July 26, 1906, is also enclosed.

The decision of the Commission to the Five Civilized Tribes dated March 11, 1904, rejecting the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated cases of Delilah Howe et al., was affirmed by the Department October 18, 1904 (I.T.D. 7722-1904).

A careful examination of this motion, in connection with the original record in the case, convinces the Commissioner that there is no merit in the same.

Secretary-3

When Delilah Rowe first testified before the Commission she swore that when she returned to the Cherokee Nation Peter Ward was residing therein. If this is correct the applicants in this case, who claim only through Delilah Rowe as her descendants, are not entitled to enrollment as Cherokee freedmen, for the reason it is conclusively shown by the records of this office that Peter Ward did not return to the Cherokee Nation and establish a residence therein prior to February 11, 1867. Reference is made to this office's report of August 16, 1906, submitting a motion filed June 25, 1906, by Starr & Patton, Vinita, Indian Territory, for a rehearing of the consolidated Cherokee freedman case of Peter Hudson et al., including the case of Peter Ward, and enclosing a copy of a letter of said attorneys, dated August 4, 1906, wherein it is stated that after further investigating said case they find that they would be unable to add any strength to the applicant's side of the case if a rehearing was granted, and requesting that their motion for a rehearing of said case be dismissed.

Secretary-1

It is, therefore, respectfully recommended that
the motion herewith transmitted be denied.

Respectfully,

Through the Commissioner
of Indian Affairs.

Encl. 3-58

Compliance

(COPY)

DEPARTMENT OF THE INTERIOR,

Land
15081-1907.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes dated February 9, 1907, transmitting a motion for rehearing in the consolidated Cherokee freedman case of Delilah Rowe, et al. The motion has been examined. It contains no merit and it is recommended that it be denied. In connection with this case attention is invited to the fact that the record is not enclosed. It has been mislaid and the Office has been unable to find it.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-CH.

Y.P.

DEPARTMENT OF THE INTERIOR, LID.

WASHINGTON.

D.C. 12996-1907.
I.T.D. 7752-1907.
IRS.

March 4, 1907.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing of the consolidated Cherokee freed man cases of Delilah Rowe et al., received with your letter of February 9, 1907, and Indian Office letter of March 2, 1907 (Land 15081), copy inclosed, is hereby denied, in accordance with your recommendation and that of the Indian Office, and in view of the limited time allowed by the act of April 26, 1906 (34 Stat., 137), for completing the rolls of citizenship of the Five Civilized Tribes.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

H. A. Hitchcock,

1 inc. and 2 to Ind. Of.

Secretary.

W.C.J. 3/4/07.

Muskogee, Indian Territory, April 1, 1907.

Starr & Patten,
Attorneys for Delilah Rowe, et al.,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion filed
by you for a rehearing in the Cherokee freedman enroll-
ment case of Delilah Rowe, et al., was denied by the
Secretary of the Interior March 4, 1907.

For your information there is enclosed here-
with a copy of Departmental decision referred to.

Respectfully,

Incl. P-4-5
HMP

Acting Commissioner.

Muskogee, Indian Territory, April 1, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a rehearing in the Cherokee Freedman enrollment case of Delilah Rowe, et al., was denied by the Secretary of the Interior March 4, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-4-6
1007

Acting Commissioner.

Cherokee freed-
man R 711

Muskogee, Indian Territory, April 2, 1907.

Eddie Rowe,
Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed
by your attorneys, Starr & Patten, for a rehearing in the
Cherokee freedman enrollment case of yourself was denied
by the Secretary of the Interior March 4, 1907.

Respectfully,

MCP

Geo. D. S. S.
Acting Commissioner.





Mr. Eddie Rowe,

Wimer, Indian Territory.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



**END
OF
REEL**



